

The Gazette of India

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No. 48] NEW DELHI, SATURDAY, NOVEMBER 26, 1960/AGRAHAYANA 5, 1882

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 18th November, 1960 :—

Issue No.	No. and date	Issued by	Subject
138.	G.S.R. 1363, dated 17th November, 1960.	Rajya Sabha Secretariat	Amendments to the Members of Parliament (Travelling and Daily Allowances) Rules, 1957.
139.	G.S.R. 1364, dated 18th November, 1960.	Ministry of Food and Agriculture.	The Indian Maize (Prohibition of use in Manufacture of Starch) Amendment Order, 1960.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (i)

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

LOK SABHA SECRETARIAT

New Delhi, the 10th November 1960

G.S.R. 1368.—In exercise of the powers conferred by rule 20 of the Lok Sabha, Secretariat (Recruitment and Conditions of Service) Rules, 1955, the Speaker, after consultation with the Ministry of Finance, hereby makes the following amendment to the Lok Sabha Secretariat (Temporary Service) Rules, 1957, namely:—

For rule 9, the following rule shall be substituted:

"9. Notwithstanding anything contained in Rules 5 and 6, the services of a temporary Officer who is not in quasi-permanent service may be terminated at any time without notice on his being declared physically

unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent."

[No. F. 35/9/AN/60.]

M. N. KAUL, Secy.

MINISTRY OF LAW

New Delhi, the 19th November 1960

G.S.R. 1369.—(Contract/Amendment 33).—In exercise of the powers conferred by clause (1) of Article 299 of the Constitution, the President hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law G.S.R. 1161 dated the 1st December, 1958, relating to the execution of contracts and assurances of property, namely:—

In the said notification—

- (A) In part XVIII which relates to the Ministry of Transport and Communications, under Head A, in clause (i) of item 2, after the words 'or the Deputy Director General of Shipping, Bombay' the words 'or the Chief Controller of Chartering' shall be inserted.
- (B) In part XIX which relates to the Ministry of Works, Housing and Supply, under Head C, in item 1, after the words 'or the Deputy Director of Estates' the words 'or the Estate Manager, Bombay/Calcutta or the Assistant Estate Manager, Simla within their respective jurisdiction' shall be inserted.

[No. 17(1)/60-J.]

P. K. BOSE, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th November 1960

G.S.R. 1370.—In exercise of the powers conferred by sub-section (2) of section 6 of the Bengal Finance (Sales Tax) Act, 1941 (Bengal Act 6 of 1941), as in force in the Union territory of Delhi, the Central Government hereby gives notice of its intention to make, with effect on and from the 1st January 1961, the following amendment in the Second Schedule to the said Act, namely:—

In the said Schedule, after item 52, the following item shall be inserted, namely:—

"53. Cotton padding".

[No. 20/4/60-Judl.II.]

New Delhi the 18th November 1960

G.S.R. 1371.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Himachal Pradesh the Punjab Excise (Amendment) Act, 1956 (Punjab Act No. 35 of 1956) as at present in force in the State of Punjab, subject to the following modification, namely:—

Modification

In section 2, for the words "the Punjab Excise Act, 1914", the words "the Punjab Excise Act, 1914, as in force in the Union territory of Himachal Pradesh" shall be substituted.

ANNEXURE

The Punjab Excise (Amendment) Act, 1956 (Punjab Act No. 35 of 1956) as extended to the Union territory of Himachal Pradesh.

THE PUNJAB EXCISE (AMENDMENT) ACT, 1956

PUNJAB ACT NO 35 OF 1956

An Act further to amend the Punjab Excise Act (Punjab Act I of 1914).

Be it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows—

1. **Short title**—This Act may be called the Punjab Excise (Amendment) Act, 1956.

2 **Amendment of section 61 of Punjab Act I of 1914.**—In Section 61 of the Punjab Excise Act, 1914 as in force in the Union Territory of Himachal Pradesh (hereinafter referred to as the principal Act)—

(i) In sub-section (1), for the words "or with fine which may extend to two thousand rupees or with both" the words "and with fine up to two thousand rupees and if found in possession of a working still for the manufacture of any intoxicant shall be punishable with the minimum sentence of six months' imprisonment and fine of two hundred rupees" shall be substituted, and

(ii) in sub-section (2) for the words "one year or with fine which may extend to two thousand rupees or with both" the words "two years and fine which may extend to two thousand rupees" shall be substituted

3 **Amendment of section 63 of Punjab Act I of 1914.**—In section 63 of the principal Act, for the words "or with fine which may extend to one thousand rupees or with both" the words "and with fine which may extend to one thousand rupees" shall be substituted

4 **Amendment of section 64 of Punjab Act I of 1914.**—In section 64 of the principal Act, for the words "and with fine which may extend to five hundred rupees or with both" the words "and with fine which may extend to five hundred rupees" shall be substituted

5 **Amendment of section 66 of Punjab Act I of 1914.**—In sub-section (1) of section 66 of the principal Act, for the words "or with fine which may extend to one thousand rupees or with both", the words "and with fine which may extend to one thousand rupees" shall be substituted.

6 **Insertion of section 68-A in Punjab Act I of 1914**—After section 68 of the principal Act, the following new section shall be inserted, namely:—

"68-A *Enhanced punishment for certain offences after previous conviction*—Whoever having been convicted, of an offence under sub-section (1) of section 61 of this Act, shall be guilty of a similar offence, shall be subject for every such subsequent offence to twice the sentence of imprisonment and fine awarded on previous conviction provided that the enhanced punishment does not exceed the imprisonment of three years and a fine of two thousand rupees:

Provided that if on previous conviction the sentence awarded was that of fine only, the sentence of imprisonment on subsequent conviction shall be in addition to the enhanced penalty of fine.

Provided further that the enhanced punishment would not in any way affect the minimum sentence prescribed for the offence of possession of a working still for the manufacture of any intoxicant"

7 **Amendment of section 72 of Punjab Act I of 1914**—To section 72 of the principal Act, the following proviso shall be added, namely:—

"Provided that the offence of possession of a working still for the manufacture of any intoxicant under section 61(1) shall be non-bailable

[No. F. 4/9/60-Judl II.]
UTL

K. R. PRABHU, Dy. Secy.

MINISTRY OF FINANCE
(Department of Expenditure)

New Delhi, the 11th November 1960

G.S.R. 1372.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Fundamental Rules, namely:—

1. These rules may be called the Fundamental (Amendment) Rules, 1960.
2. In the Fundamental Rules, below the proviso to sub-rule (5) of rule 54, the following Note shall be inserted, namely:—

“NOTE.—The order of the competent authority regarding the treatment of the period of absence from duty passed under this proviso is absolute and no higher sanction would be necessary for the grant of extraordinary leave in excess of three months in so far as temporary Government servants are concerned”.

[No. 5(15)-EIV-A/60.]

DEVI DIYAL BHATIA, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 22nd November 1960

G.S.R. 1373.—In exercise of the powers conferred by sub-section (3) of section 13 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government hereby notifies for the purpose of that sub-section the 26th December, 1960 as the date before which the shareholders of the Bank of Jaipur Limited may request the Central Government to have the matter of the amount of compensation referred to the Tribunal.

[No. F. 4/119/60-SB.]

G.S.R. 1374.—In exercise of the powers conferred by sub-section (3) of section 13 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government hereby notifies for the purpose of that sub-section the 26th December, 1960 as the date before which the shareholders of the Bank of Bikaner Limited may request the Central Government to have the matter of the amount of compensation referred to the Tribunal.

[No. F. 4/120/60-SB.]

D. N. GHOSH, Under Secy.

(Department of Revenue)

New Delhi, the 26th November 1960

CUSTOMS AND CENTRAL EXCISE.

G.S.R. 1375.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944, (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, the same having been previously published as required under the said sub-section (3) of section 43B, namely:—

Amendment

1. These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1960.

2. In the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, in the Second Schedule for the existing item No. 47 and entries relating thereto, the following shall be substituted, namely:—

“47. Artificial Teeth and Denture Acrylic material”.

[No. 121/F. No. 34/250/60. Cus--IV.]

G.S.R. 1376.—The following draft of rules further to amend the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of Section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section 43B for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 28th December, 1960.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1960.

2. In the Customs and Central Excise Duties Export Drawback (General) Rules, 1960—

(1) in the Second Schedule, after item Number 71 and entries relating thereto, the following shall be added namely:—

“72. Toilet and Cleansing products”

(ii) in the Third Schedule, after the entry “Customs Duties Drawback (Pipe and Cigarette Tobacco) Rules, 1957”, the following shall be added, namely:—

“The Customs and Central Excise Duties Drawback (Toilet and Cleansing Products) Rules, 1958”.

[No. 122/F. No. 34/294/60-Cus.IV.]

CUSTOMS

G.S.R. 1377.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. G.S.R. No. 575(56)/F. No. 34/86/60.Cus-IV), dated the 28th May, 1960, namely:—

Amendment

In the Schedule to the said notification, for the existing entry at Serial No. 78, the following entry shall be substituted namely:—

“78 Artificial Teeth and Denture Acrylic material”.

[No. 124/F. No. 34/250/60-Cus. IV.]

DAINGEROUS DRUGS

G.S.R. 1378.—In pursuance of sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (2 of 1930), and the Protocol signed at Paris on the 19th November, 1948, supplementing the earlier Geneva Conventions of 1925, 1931 and 1936 relating to drugs placed under international control, the Central Government hereby declares the narcotic substances specified in this notification to be manufactured drugs and makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 4—Dangerous Drugs, dated the 4th December, 1956, namely:—

In the said notification, after item (65) the following items shall be added, namely:—

	Status of the drug under the Convention
“(66) 2-(p-Chlorobenzyl)—2-diethylaminoethyl—5-nitrobenzimidazole; and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.”	Group I
“(67) 2-(p-Ethoxybenzyl)—1-diethylaminoethyl—5-nitrobenzimidazole; and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.”	Group I

G.S.R. 1379.—The following draft of rules further to amend the Central Opium Rules, 1934, which the Central Government proposes to make in exercise of the powers conferred by sub-section (2) of section 5 of the Dangerous Drugs Act, 1930 (2 of 1930), is published, as required by sub-section (1) of section 36 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 26th December, 1960.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Central Opium (Amendment) Rules, 1960.
2. In the Central Opium Rules, 1934—
 - (1) in rule 2, in clause (b), after the words "Tehri-Garhwal", the words "and in the Union Territory of Himachal Pradesh in the districts of Mahasu and Sirmur" shall be inserted;
 - (2) in rule 4, for the words "and Uttar Pradesh", the words "Uttar Pradesh and Himachal Pradesh" shall be substituted.

[No. 29 F. No. 6/3/60-Opium.]

M. C. DAS, Dy. Secy.

(Department of Revenue)

CENTRAL EXCISES.

New Delhi, the 26th November 1960

G.S.R. 1380.—In exercise of the powers conferred by rule 12-A of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 62/58-Central Excises, dated the 21st June, 1958, namely—

In paragraph 4 of the Appendix to the said notification,—

- (a) for the words "six months", the words "three months" shall be substituted; and
- (b) the following provisions shall be added at the end, namely—

"Provided that the Collector of Central Excise may entertain an application within one month after the expiry of the said period of three months, if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time:

Provided further that the Central Board of Revenue may extend the time limit for presentation of application beyond four months in such cases as it deems fit".

[No. 145/60.]

G.S.R. 1381.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Central Excise Rules, 1944, namely,—

1. These rules may be called the Central Excise (Amendment) Rules, 1960.
2. In rule 96-I, at the end of sub-rule (1), the following proviso shall be inserted, namely,—

"Provided that where a manufacturer who commences production of the said fabrics for the first time on or after the 1st December, 1960, makes an application under this rule, the Collector shall not grant permission unless it is proved to his satisfaction that the powerlooms in respect of which the application is made have not been acquired from any other person who is, or has been a licensee, with a view to paying duty at lower rates."

[No. 147/60.]

G.S.R. 1382.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby directs that the following amendment shall be made in the Government of India, Ministry of Finance (Department of Revenue) Notification S.R.O. No. 21, dated the 5th January, 1957, namely:

In the said notification, the following proviso shall be inserted under item (7), namely,—

“Provided that this exemption shall not be applicable to a manufacturer who commences production of the said fabrics for the first time on or after the 1st December, 1960 by acquiring powerlooms from any other person who is, or has been a licensee of powerloom factory.”

[No. 148/60.]

G.S.R. 1383.—In pursuance of rule 96-J of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India, Ministry of Finance (Department of Revenue) G.S.R. No. 571, dated the 4th July, 1958, namely,—

In the said notification, the following further proviso shall be added, at the end, namely,—

“Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms from any other person who is, or has been a licensee of powerloom factory, the rate per shift, per month, per powerloom shall be the next higher rate, if any, and without the concession allowed under the first and the second provisos.”

[No. 149/60.]

G.S.R. 1384.—In pursuance of rule 96J of the Central Excise Rules, 1944, and sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. GSR 914, dated the 11th October, 1958, namely,—

In the said notification, the following further proviso shall be added at the end namely,—

“Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms from any other person who is or has been a licensee of powerloom factory, the rate per shift, per powerloom, per month shall be the next higher rate, if any, and without the concession allowed under the first and the second provisos.”

[No. 150/60.]

G.S.R. 1385.—In pursuance of sub-rule (1) of rule 8 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) GSR No. 587, dated the 15th May, 1959, namely,—

In the said notification, the following proviso shall be added at the end, namely,—

“Provided that this exemption shall not apply where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring warp knitting machines or powerlooms from any other person who is, or has been a licensee of powerloom or warp knitting machine factory.”

[No. 151/60.]

G.S.R. 1386.—In pursuance of rule 96J of the Central Excise Rules, 1944, and sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry

of Finance (Department of Revenue) G.S.R. No. 591, dated the 15th May, 1959, namely,—

In the said notification, the following further proviso shall be inserted, namely,—

"Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms or warp knitting machines from any other person who is, or has been a licensee of powerloom or warp knitting machine factory, the rate per shift, per warp knitting machine, per month shall be the next higher rate, if any, and without the concession allowed under the first and the second provisos."

[No. 152/60.]

G.S.R. 1387.—In pursuance of rule 96J of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) G.S.R. No. 589, dated the 15th May, 1959, namely,—

In the said notification, the following further proviso shall be inserted, namely,—

"Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms or warp knitting machines from any other person who is, or has been a licensee of powerloom or warp knitting machine factory, the rate per shift, per warp knitting machine, per month shall be the next higher rate, if any, and without the concession allowed under the first and the second provisos."

[No. 153/60.]

G.S.R. 1388.—In pursuance of rule 96J of the Central Excise Rules, 1944, and sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) G.S.R. No. 590, dated the 15th May, 1959, namely,—

In the said notification, the following further proviso shall be added at the end, namely,—

"Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms from any other person who is, or has been a licensee of powerloom factory, the rate per shift, per powerloom, per month shall be the next higher rate, if any, and without the concession allowed under the first and the second provisos."

[No. 154/60.]

G.S.R. 1389.—In pursuance of rule 96J of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) G.S.R. No. 588, dated the 15th May, 1959, namely,—

In the said notification, the following further proviso shall be added at the end, namely,—

"Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms from any other person who is, or has been a licensee of powerloom factory, the rate per shift, per powerloom, per month shall be the next higher rate, if any, and without the concession allowed under the first and the second provisos."

[No. 155/60.]

G.S.R. 1390.—In pursuance of sub-rule (1) of rule 8 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following amendment in the notification of the

Government of India in the Ministry of Finance (Department of Revenue) G.S.R. No. 240, dated the 1st March, 1960, namely,—

In the said notification, the following proviso shall be added at the end, namely,—

“Provided that this exemption shall not apply where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring warp knitting machines or powerlooms from any other person who is, or has been a licensee of powerlooms or warp knitting machine factory.”

[No. 156/60.]

G.S.R. 1391.—In pursuance of rule 96J of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) G.S.R. 241, dated the 1st March, 1960, namely,—

In the said notification, the following further proviso shall be added at the end, namely,—

“Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms or warp knitting machines from any other person who is, or has been a licensee of powerloom or warp knitting machine factory, the rate per shift, per powerloom, per month shall be the next higher rate, if any, and without the concession allowed under the first and the second provisos.”

[No. 157/60.]

G.S.R. 1392.—In pursuance of rule 96J of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) G.S.R. No. 460, dated the 20th April, 1960, namely,—

In the said notification, the following further proviso shall be added at the end, namely,—

“Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms from any other person who is, or has been a licensee of powerloom factory, the rate per shift, per powerloom, per month shall be the next higher rate, if any, and without the concession allowed under the first, second and the third provisos.”

[No. 158/60.]

G.S.R. 1393.—In pursuance of rule 96J of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) G.S.R. No. 461, dated the 20th April, 1960, namely,—

In the said notification, the following further proviso shall be inserted, namely,—

“Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms or warp knitting machines from any other person who is; or has been a licensee of powerlooms or warp knitting machine factory, the rate per shift, per warp knitting machine, per month shall be the next higher rate, if any, and without the concession allowed under the first, second and the third provisos.”

[No. 159/60.]

G.S.R. 1394.—In pursuance of rule 96J of the Central Excise Rules, 1944, and sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), the Central Government hereby makes the following further amendment in the notification of the Government of India in

the Ministry of Finance (Department of Revenue) G.S.R. No. 462, dated the 20th April, 1960, namely,—

In the said notification, the following further proviso shall be added at the end, namely,—

“Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms from any other person who is, or has been a licensee of powerloom factory, the rate per shift, per powerloom, per month shall be the next higher rate, if any, and without the concession allowed under the first, second and the third provisos.”

[No. 160/60.]

G.S.R. 1395.—In pursuance of rule 96J of the Central Excise Rules, 1944, and sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 (58 of 1957), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) G.S.R. No. 463, dated the 20th April, 1960, namely,—

In the said notification, the following further proviso shall be inserted, namely,—

“Provided also that where a person commences manufacture of the said fabrics for the first time on or after the 1st December, 1960, by acquiring powerlooms or warp knitting machines from any other person who is, or has been a licensee of powerloom or warp knitting machine factory, the rate per shift, per warp knitting machine, per month shall be the next higher rate, if any, and without the concession allowed under the first, second and the third provisos.”

[No. 161/60.]

G.S.R. 1396.—In exercise of the powers conferred by section 12 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following amendment to its Notification in the Ministry of Finance (Department of Revenue) Central Excises No. 69/59 (G.S.R. No. 822 of 1959) dated the 18th July, 1959, namely,—

For item number (vi) in the said Notification, the following item shall be substituted, namely—

“(vi) references to “this Act” shall be deemed to be references to the Central Excises and Salt Act, 1944 and the rules made thereunder.”

[No. 162/60.]

L. M. KAUL, Dy. Secy.

RESERVE BANK OF INDIA

(Central Office)

(Department of Banking Operations)

Bombay, the 11th November 1960

G.S.R. 1397.—In exercise of the powers conferred by sub-section (1A) of section 42 of the Reserve Bank of India Act, 1934, and in supersession, with effect from November 11, 1960, of its notification DBO. No. Sch. 3336/C. 110-60, dated May 5, 1960, the Reserve Bank of India hereby directs—

- (i) that every scheduled bank shall, with effect from the expiry of November 11, 1960, maintain with the Reserve Bank an *additional* average daily balance, which shall be in addition to the average daily balance required to be maintained under sub-section (1) of that section; and
- (ii) that the amount of such additional average daily balance shall not be less than 25 per cent of the amount by which its demand and time liabilities subsequent to March 11, 1960 exceed its demand and time liabilities at the close of business on that date.

Provided that this requirement shall not apply to (a) that part of the demand and time liabilities as is in excess of the demand and time

liabilities as on November, 11, 1960, and (b) a bank which is included in the Second Schedule after November 11, 1960:

Provided further that in the case of a bank included in the Second Schedule to the Reserve Bank of India Act, after March 11, 1960, but on or before November 11, 1960 this notification shall apply as if the date as at the close of business on which the bank had to send its first return under sub-section (2) of section 42 had been specified in place of March 11, 1960:

Provided also that the requirements of this notification shall not apply to that part of the liabilities of a scheduled bank as is represented by borrowings from other banks.

2. The Reserve Bank also hereby determines, in pursuance of sub-section (1B) of section 42 of the said Act, that interest on the amount of the *additional* average daily balance maintained by reason of and in full compliance with this directive will be paid for the half year ending 30th June and 31st December, respectively, calculated at half per cent above the *average* rate of interest paid for the corresponding half year by the scheduled bank on its total deposits:

Provided that the Bank will not pay interest at a rate exceeding $4\frac{1}{2}$ per cent.

[D.B.O. No. Sch. 9118/C. 110-60.]

C. S. DIVEKAR, Executive Director.

MINISTRY OF STEEL, MINES AND FUEL

(Department of Mines and Fuel)

New Delhi, the 11th November 1960

G.S.R. 1398.—In exercise of the powers conferred by section 13 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules, namely:—

THE MINERAL CONCESSION RULES, 1960.

CHAPTER I

PRELIMINARY

1. **Short title.**—These rules may be called the Mineral Concession Rules, 1960.
2. **Definitions.**—In these rules, unless the context otherwise requires—
 - (i) "Act" means in the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957);
 - (ii) "Form" means a form set out in Schedule I to these rules;
 - (iii) "railway" and "railway administration" have the meanings respectively assigned to them in the Indian Railways Act, 1890 (9 of 1890);
 - (iv) "Schedule" means a Schedule appended to these rules;
 - (v) "section" means a section of the Act.
3. **Saving of Act 29 of 1948.**—Nothing in these rules shall affect the provisions of the Atomic Energy Act, 1948 (29 of 1948).

CHAPTER II

CERTIFICATE OF APPROVAL

4. **Persons to whom certificate of approval be granted.**—(1) Any person who is an Indian national shall, on payment of a fee of five hundred rupees, be entitled to obtain from the State Government a certificate of approval.
(2) Any Indian national who before the commencement of these rules had applied to the State Government for a certificate of approval may, within sixty days of such commencement, either claim a refund of the fee paid by him, or obtain from the State Government a certificate of approval on payment, within the aforesaid period of the difference, if any, between the amount of fee payable under sub-rule (1) and the fee already paid by him.
(3) The State Government may, with the previous approval of the Central Government, grant a certificate of approval to any person who is not an Indian

national on payment of the fee specified in sub-rule (1) or where any such person had applied to the State Government for such certificate before the commencement of these rules, on payment of the difference, if any, between the amount of fee payable under sub-rule (1) and the fee already paid by him:

Provided that in the case of any such person the fee already paid by him shall be refunded if a certificate of approval is not granted to him.

(4) A certificate of approval shall be in Form A.

(5) In this rule, the expression "Indian national" has the same meaning as in the Explanation to sub-section (2) of section 5, and if any question arises as to whether a person is an Indian national or not, it shall be referred to the Central Government for decision whose decision shall be final.

5. Period for which certificate of approval is valid.—A certificate of approval shall be valid upto the 31st day of December of the year in which it is granted:

Provided that a certificate granted in the last quarter of a year shall be valid until the 31st day of December of the year next following.

6. Renewal of certificate of approval.—(1) A certificate of approval—

(i) in the case of an Indian national, shall be renewed by the State Government if a fee of two hundred and fifty rupees is paid before the date of expiry of the certificate;

(ii) in the case of any other person, may be renewed by such Government, with the previous approval of the Central Government, on payment of a fee of two hundred and fifty rupees before the date of expiry of the certificate.

(2) In the case of any person who has applied for a renewal of the certificate of approval before the commencement of these rules, the certificate of approval shall not be renewed unless the difference, if any, between the amount of fee payable under this rule and the fee already paid by him is paid within thirty days of such commencement.

(3) Where a certificate of approval is not renewed to any person under this rule, the fee paid by the applicant shall be refunded to him.

(4) A certificate of approval valid for the State of Bombay before the 1st May, 1960, may be renewed for the State of Maharashtra or the State of Gujarat, as the holder of the certificate may select.

7. Period of renewal.—A certificate of approval when renewed shall be valid for a period of one year commencing from the date of expiry.

CHAPTER III

GRANT OF PROSPECTING LICENCES IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT

8. Applicability of this chapter and chapter IV.—The provisions of this chapter and chapter IV shall apply to the grant or renewal of prospecting licences and mining leases only in respect of land in which the minerals vest in the Government of a State.

9. Application for prospecting licence and its renewal.—(1) An application for a prospecting licence in respect of land in which the minerals vest in the Government shall be made to the State Government in Form B through such officer or authority as the State Government may specify in this behalf.

(2) Every such application shall be accompanied by—

(a) a fee calculated in accordance with the provisions of Schedule II; and

(b) an income-tax clearance certificate in Form C from the Income-tax Officer concerned.

(3) An application for the renewal of a prospecting licence shall be made to the State Government in Form E through such officer or authority as the State Government may specify in this behalf.

10. Acknowledgement of application.—(1) Where an application for the grant or renewal of a prospecting licence is delivered personally, its receipt shall be acknowledged forthwith.

(2) Where such application is received by registered post, its receipt shall be acknowledged on the same day.

(3) In any other case, the receipt of such application shall be acknowledged within three days of the receipt.

(4) The receipt of every such application shall be acknowledged in Form D.

11. Disposal of application for the grant and renewal of prospecting licence.—

(1) An application for the grant of a prospecting licence shall be disposed of within nine months from the date of its receipt and, if it is not disposed of within that period, it shall be deemed to have been refused.

(2) An application for the grant or renewal of a prospecting licence shall be made at least ninety days before the expiry of the prospecting licence and shall be disposed of before the expiry of the licence and if the application is not so disposed of within that period, it shall be deemed to have been refused.

(3) The State Government may, for reasons to be recorded in writing, at the time of renewal, reduce the area applied for.

12. Refusal of application for a prospecting licence.—(1) Where the State Government passes any order refusing to grant or renew a prospecting licence, it shall communicate in writing the reasons for such order to the applicant.

(2) An application for the grant of a prospecting licence shall not be refused on the ground only that, in the opinion of the State Government, a mining lease should be granted for the area for which the application for a prospecting licence has been made:

Provided that, where applications for the grant of prospecting licence and applications for the grant of mining lease in respect of the same area are received on the same date or on different dates within a period of thirty days, the applications for the grant of mining lease shall, if the area was previously held and worked under a mining lease, be disposed of before the applications for the grant of prospecting licence are considered.

13. Refund of fee.—(1) Where an application for the grant of a prospecting licence is refused or deemed to have been refused under these rules, the fee paid by the applicant shall be refunded to the applicant.

(2) Where an applicant for the grant of a prospecting licence dies before the order granting him a prospecting licence is passed, his application for the grant of a prospecting licence shall be deemed to have been rejected and the fee paid by him shall be refunded to his legal representative.

(3) In the case of an applicant in respect of whom an order granting a prospecting licence is passed but who dies before the deed referred to in sub-rule (1) of rule 15 is executed, the order shall be deemed to have been revoked on the occurrence of the death and the fee paid shall be refunded to the legal representative of the deceased.

14. Conditions of a prospecting licence.—(1) Every prospecting licence granted under these rules, shall, in addition to any other conditions that may be specified therein, be subject to the following conditions, namely:—

(i) the licensee shall pay such prospecting fee as may be fixed by the State Government, being not less than twenty five naye paise and not more than two rupees fifty naye paise per hectare of land covered by the licence for each year or part of a year of the period for which the licence is granted or renewed;

(ii) in the case of minerals other than gold, silver, precious stones or mica, the licensee shall not win or carry away the minerals for commercial purposes:

Provided that the licensee may win and carry away for purposes other than commercial purposes—

(a) any quantity of such minerals within the limits specified in Schedule III without any payment;

(b) any quantity of such minerals exceeding such limits but not exceeding twice such limits, which is won during prospecting operations,

on payment of royalty for the time being specified in the Second Schedule to the Act in respect of those minerals;

- (c) any quantity of limestone not exceeding 500 tons for testing its use in any industry specified by the Central Government in this behalf, on payment of royalty for the time being specified in the Second Schedule to the Act in respect of limestone;
- (iii) in the case of gold, silver, precious stones or mica, the licensee may carry away any quantity won during the course of prospecting operations on payment of royalty for the time being specified in the Second Schedule to the Act in respect of such mineral;
- (iv) save in the case of land in respect of which the licensee is granted a mining lease, he shall, within six months next after the determination of the licence or the date of abandonment of the prospecting operations, whichever is earlier, securely plug all bores and fill up or fence all excavations in the land covered by the licence;
- (v) the licensee shall report to the State Government the discovery of any mineral not specified in the licence within a period of sixty days from the date of such discovery and shall not undertake any prospecting operations in respect of such mineral unless such mineral is included in the licence;
- (vi) the licensee shall not employ, in connection with the prospecting operations, any person who is not an Indian national, except with the previous approval of the Central Government.
- (vii) the licensee shall not except with the previous sanction of the State Government transfer his licence;

Provided that no prospecting licence in respect of any mineral specified in the First Schedule to the Act shall be transferred except with the previous approval of the Central Government:

Provided further that no prospecting licence shall be transferred to any person not holding the certificate of approval and an income-tax clearance certificate in Form C from the Income-tax Officer concerned and except on payment to the State Government of a fee of one hundred rupees.

(2) A prospecting licence may contain such other conditions relating to the following as the State Government may think fit to impose, namely:—

- (i) compensation for damage to land in respect of which the licence has been granted;
- (ii) indemnity to Government against the claim of a third party for any damage, injury or disturbance caused to him by the licensee;
- (iii) restrictions regarding felling of trees on unoccupied and unreserved Government land;
- (iv) restrictions on prospecting operations in any area prohibited by any competent authority;
- (v) operations in a reserved or protected forest;
- (vi) conditions regarding entry on occupied land;
- (vii) facilities to be given by the licensee for working other minerals in the licenced area or adjacent areas.

(3) The State Government may, with the previous approval of the Central Government, impose such further condition in the licence as it may think necessary in the interests of mineral development.

(4) In the case of breach of any condition imposed on any holder of a prospecting licence by or under this rule, the State Government may, by order in writing, cancel the licence, and/or forfeit, in whole or part, the amount deposited by the licensee under rule 20:

Provided that no such order shall be made without giving the licensee a reasonable opportunity of stating his case.

15. Licence to be executed within three months.—(1) Where on any application for a prospecting licence an order has been made for the grant of such licence, a deed granting such licence shall be executed within ninety days of the date of the communication of the order or such further period as the State Government may

allow in this behalf, and if no such deed is executed within the said period due to any default on the part of the applicant, the State Government may revoke the order granting the licence and in that event the fee paid shall be forfeited to the State Government.

(2) The deed referred to in sub-rule (1) shall be in Form F, or in a form as near thereto as circumstances of each case may require.

(3) The date of the commencement of the period for which a prospecting licence is granted shall be the date on which the deed is executed under sub-rule (1).

16. Report of information obtained by licensee.—The licensee shall submit confidentially to the State Government a full report of the work done by him and disclose all information acquired by him in the course of prospecting operations, regarding the geology and mineral resources of the area covered by the licence:

Provided that if the licensee is granted a mining lease in respect of the whole or part of the area covered by the prospecting licence, the report shall be submitted to the State Government within one year of the date of the lease.

17. Pending application for prospecting licence.—An application for a prospecting licence pending at the commencement of these rules shall be disposed of in accordance with the provisions of these rules.

18. Maintenance of accounts.—Every licensee shall maintain a correct and faithful account of all the expenses incurred by him on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their despatch.

19. Inspection.—(1) The licensee shall allow every officer authorised by the Central Government or the State Government in this behalf to examine at any time accounts maintained under rule 18 and furnish the Central Government or the State Government such information and returns as it or any officer authorised by it in that behalf may require.

(2) The licensee shall allow any officer authorised by the Central Government or the State Government in this behalf to inspect any prospecting operations carried on by him.

20. Security deposit.—(1) An applicant for a prospecting licence shall, before the deed referred to in sub-rule (1) of rule 15 is executed, deposit as security for the due observance of the terms and conditions of the licence a sum of two hundred rupees in respect of every square kilometre or part thereof for which the licence is granted.

(2) Any deposit made under sub-rule (1), if not forfeited under these rules, shall be refunded to the applicant as soon as the report referred to in rule 16 is submitted.

21. Registers.—(1) A register of applications for prospecting licences shall be maintained by the State Government in Form G.

(2) A register of prospecting licences shall be maintained by the State Government in Form H.

CHAPTER IV

GRANT OF MINING LEASES IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN THE GOVERNMENT

22. Applications for grant of mining leases.—(1) An application for the grant of a mining lease in respect of land in which the minerals vest in the Government shall be made to the State Government in Form I through such officer or authority as the State Government may specify in this behalf.

(2) Every such application shall be accompanied by—

- (a) a fee of two hundred rupees;
- (b) a deposit of five hundred rupees for meeting the preliminary expenses in connection with the grant of the mining lease; and
- (c) an income-tax clearance certificate in Form C from the Income-tax Officer concerned.

(3) Every application for the renewal of a mining lease shall be made to the State Government in Form J at least six months before the date on which the lease is due to expire through such officer or authority as the State Government may specify in this behalf.

23. Acknowledgement of application.—(1) Where an application for the grant or renewal of a mining lease is delivered personally, its receipt shall be acknowledged forthwith.

(2) Where such application is received by registered post, its receipt shall be acknowledged on the same day.

(3) In any other case, the receipt of such application shall be acknowledged within three days of the receipt.

(4) The receipt of every such application shall be acknowledged in Form D.

24. Disposal of application for mining lease.—(1) An application for the grant of a mining lease shall be disposed of within nine months from the date of its receipt.

(2) An application for the renewal of a mining lease shall be disposed of within ninety days from the date of its receipt.

(3) If any application is not disposed of within the period specified in sub-rule (1) of sub-rule (2), it shall be deemed to have been refused.

25. Refund and forfeiture etc.—(1) Where an application for the grant or renewal of a mining lease is refused or deemed to have been refused under rule 24 or the applicant refuses to accept the lease on account of any conditions imposed under sub-rule (3) of rule 27, the fee paid by the applicant under clause (a) of sub-rule (2) of rule 22 shall be refunded to him.

(2) Where the whole or any part of the amount deposited under clause (b) of sub-rule (2) of rule 22 has not been expended for the purposes specified in rule 31, it shall be refunded to the applicant.

26. Reasons for refusal to be recorded.—Where the State Government passes any order refusing to grant or renew a mining lease, it shall communicate in writing the reasons for such order to the person against whom such order is passed.

27. Conditions.—(1) Every mining lease shall be subject to the following conditions and such conditions shall be incorporated in every mining lease:—

- (a) the lessee shall report to the State Government the discovery in the leased area of any mineral not specified in the lease, within sixty days of such discovery;
- (b) if any mineral not specified in the lease is discovered in the leased area, the lessee shall not win and dispose of such mineral unless such mineral is included in the lease or a separate lease is obtained therefor;
- (c) the lessee shall pay, for every year, except the first year of the lease, such yearly dead rent within the limits specified in Schedule IV as may be fixed from time to time by the State Government and if the lease permits the working of more than one mineral in the same area, the State Government may charge separate dead rent in respect of each mineral;

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral whichever be higher in amount but not both;

- (d) the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent and water rate at such rate, not exceeding the land revenue, water and cesses assessable on the land, as may be specified by the State Government in the lease;
- (e) the lessee shall not employ, in connection with the mining operations, any person who is not an Indian national, except with the previous approval of the Central Government;
- (f) unless the State Government for sufficient cause permits otherwise, the lessee shall commence mining operations within one year from the date of execution of the lease and shall thereafter conduct such operations in a proper, skilful and workmanlike manner.

Explanation—For the purposes of this clause, mining operations shall include the erection of machinery, laying of a tramway or construction of a road in connection with the working of the mine,

- (g) the lessee shall at his own expense erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease,
- (h) the lessee shall not carry on, or allow to be carried on, any mining operations at any point within a distance of fifty metres from any railway line, except under and in accordance with the written permission of the railway administration concerned or from any reservoir, canal or other public works, or buildings, except under and in accordance with the previous permission of the State Government,
- (i) the lessee shall keep correct accounts showing the quantity and other particulars of all minerals obtained and despatched from the mine, the number and nationality of persons employed therein, and complete plans of the mine, and shall allow any officer authorised by the Central Government or the State Government in this behalf to examine at any time any accounts, plans and records maintained by him and shall furnish the Central or the State Government with such information and returns as it or any officer authorised by it in this behalf may require,
- (j) the lessee shall keep accurate records of all trenches, pits and drillings made by him in the course of mining operations carried on by him under the lease, and shall allow any officer authorised by the Central or the State Government to inspect the same. Such records shall contain the following particulars, namely—
 - (a) the subsoil and strata through which such trenches, pits or drillings pass,
 - (b) any mineral encountered,
 - (c) such other particulars as the Central or the State Government may from time to time require,
- (k) the lessee shall strengthen and support, to the satisfaction of the railway administration concerned or the State Government, as the case may be, any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, reservoir, canal, road or any other public works or buildings,
- (l) the lessee shall allow any officer authorised by the Central or the State Government to enter upon any building, excavation or land comprised in the lease for the purposes of inspecting the same;
- (m) the State Government shall at all times have the right of pre-emption of the minerals won from the land in respect of which the lease has been granted.

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minerals

(2) A mining lease may contain such other conditions as the State Government may deem necessary in regard to the following namely—

- (a) the time-limit, mode and place of payment of rents and royalties,
- (b) the compensation for damage to the land covered by the lease;
- (c) the felling of trees,
- (d) the restriction of surface operations in any area prohibited by any authority,
- (e) the notice by lessee for surface occupation,
- (f) the provision of proper weighing machines,
- (g) the facilities to be given by the lessee for working other minerals in the leased area or adjacent area,
- (h) the entering and working in a reserved or protected forest,
- (i) the securing of pits and shafts,
- (j) the reporting of accidents,
- (k) the indemnity to Government against claims of third parties,
- (l) the delivery of possession of lands and mines on the surrender, expiration or determination of the lease;

(m) the forfeiture of property left after determination of lease;

(n) the power to take possession of plant, machinery, premises and mines in the event of war or emergency.

(3) The State Government, if it is of the opinion that in the interest of mineral development it is necessary so to do, may, in any case, with the previous approval of the Central Government, impose such further conditions as it thinks fit.

(4) If the lessee does not allow entry or inspection under clause (i), (j) or (l) of sub-rule (i), the State Government shall give notice in writing to the lessee requiring him to show cause within such time as may be specified in the notice why the lease should not be determined and his security deposit forfeited; and if the lessee fails to show cause within the aforesaid time to the satisfaction of the State Government, the State Government may determine the lease and forfeit the whole or part of the security deposit.

(5) If the lessee makes any default in payment of royalty as required by section 9 or commits a breach of any of the conditions other than those referred to in sub-rule (4), the State Government shall give notice to the lessee requiring him to pay the royalty or remedy the breach, as the case may be, within sixty days from the date of the receipt of the notice and if the royalty is not paid or the breach is not remedied within such period, the State Government may, without prejudice to any proceeding that may be taken against him, determine the lease and forfeit the whole or part of the security deposit.

28. **Renewal of mining lease.**—(1) Applications for renewal of a mining lease shall be made to the State Government in Form J at least six months before the expiry of the lease.

(2) Application for the first renewal of a mining lease granted in respect of mineral/minerals specified in the First Schedule may, subject to the provisions of sub-section (2) of section 8, and with the previous approval of the Central Government, be granted by the State Government.

(3) Application in respect of mineral/minerals which is/are not specified in the said Schedule shall, subject to the provisions of sub-section (2) of section 8, be granted by the State Government.

(4) The second or subsequent renewal of a mining lease in respect of any mineral, shall be granted by the State Government only with the prior approval of the Central Government and be subject to the provisions of sub-section (3) of section 8.

(5) The State Government, while granting renewal of the mining lease under sub-rule (1), (2), (3) or (4) may, for reasons to be recorded in writing, reduce the area applied for.

29. **Restriction on determination of lease.**—The lessee shall not determine the lease except after notice in writing of not less than twelve calendar months to the State Government or to such officer, or authority as the State Government may specify in this behalf.

30. **Rights of lessee.**—Subject to the conditions mentioned in rule 27, the lessee with respect to the land leased to him shall have the right for the purpose of mining operations on that land—

(a) to work the mines;

(b) to sink pits and shafts and construct buildings and roads;

(c) to erect plant and machinery;

(d) to quarry and obtain building and road materials and make bricks;

(e) to use water and take timber;

(f) to use land for stacking purposes;

(g) to do any other thing specified in the lease.

31. **Lease to be executed within six months.**—(1) Where, on an application for the grant of a mining lease, an order has been made for the grant of such lease, a lease deed in Form K or in a form as near thereto as circumstances of each case may require, shall be executed within six months of the order or within such further period as the State Government may allow in this behalf, and if no such lease deed is executed within the said period due to any default on the part

of the applicant, the State Government may revoke the order granting the lease and in that event the application fee shall be forfeited to the State Government.

(2) The date of the commencement of the period for which a mining lease is granted shall be the date on which the deed is executed under sub-rule (1).

32. Security deposit.—An applicant for a mining lease, shall, before the deed referred to in rule 31 is executed, deposit as security for the due observance of the terms and conditions of the lease—

- (a) in the case of a lease for a metalliferous mineral as may be specified by the Central Government by notification in the Gazette, a sum of one thousand rupees; and
- (b) in the case of a lease for any other mineral, a sum of five hundred rupees.

33. Survey of the area leased.—When a mining lease is granted by the State Government, arrangements shall be made at the expense of the lessee for the survey and demarcation of the area granted under the lease.

34. Manner of exercise of preferential rights for mining lease.—A mining lease to any person who has a preferential right thereto under sub-section (1) of section 11, may, at his option, be granted to him either for the whole of the area for which he holds the prospecting licence or such part or parts thereof as he may select but the State Government may for any special reasons to be recorded in writing reduce the area or exclude a portion therefrom.

35. Length and breadth of area leased.—The length of an area held under a mining lease shall not exceed four times its breadth:

Provided that, in the case of a mining lease relating to coal, the length shall not exceed twice the breadth and the area leased shall not be less than forty hectares.

36. Boundaries below the surface.—The boundaries of the area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

37. Transfer of lease.—(1) The lessee shall not, without the previous consent in writing of the State Government, which in the case of a mining lease in respect of any mineral specified in the First Schedule to the Act shall not be given except after previous approval of the Central Government—

- (a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein, or
- (b) enter into or make any arrangement, contract or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee.

(2) Without prejudice to the provisions of sub-rule (1), the lessee may, subject to the conditions specified in the proviso to rule 35, transfer his lease or any right, title or interest therein, to a person holding a certificate of approval and an income-tax clearance certificate in Form C from the Income-tax Officer concerned on payment of a fee of rupees one hundred to the State Government:

Provided that the lessee shall make available to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 65 metres wide surrounding it.

(3) The State Government may, by order in writing, determine any lease at any time if the lessee has, in the opinion of the State Government, committed a breach of any of the provisions of sub-rule (1) or has transferred any lease or any right, title or interest therein otherwise than in accordance with sub-rule (2):

Provided that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

38. Pending application for mining lease.—An application for the grant or renewal of the mining lease pending at the commencement of these rules shall be disposed of in accordance with the provisions of these rules.

39. Pending applications for transfer.—An application for the transfer of a mining lease pending at the commencement of these rules shall be disposed of in accordance with these rules.

40. Registers.—(1) A register of applications for mining leases shall be maintained by the State Government in Form L.

(2) A register of mining leases shall be maintained by the State Government in Form M.

CHAPTER V

PROCEDURE FOR OBTAINING A PROSPECTING LICENCE OR MINING LEASE IN RESPECT OF LAND IN WHICH THE MINERALS VEST IN A PERSON OTHER THAN THE GOVERNMENT.

41. Applicability of this chapter.—The provisions of this chapter shall apply only to the grant of prospecting licences and mining leases in respect of land in which the minerals vest exclusively in a person other than the Government.

42. Restrictions on the grant of prospecting licence and mining lease.—(1) No prospecting licence or mining lease shall be granted to any person unless he—

- (a) holds a certificate of approval in Form A from the State Government;
- (b) produces an income-tax clearance certificate in Form C from the Income-tax Officer concerned.

(2) Except with the previous approval of the Central Government, no prospecting licence or mining lease shall be granted—

- (i) as respects any mineral specified in the First Schedule to the Act; or
- (ii) to any person who is not an Indian national.

Explanation.—The expression "Indian national" has the same meaning as in the Explanation to sub-section (2) of section 5 and if any question arises as to whether a person is an Indian national or not, it shall be referred to the Central Government for decision whose decision shall be final.

43. Renewal of prospecting licence.—A prospecting licence may be renewed for one or more periods each not exceeding the period for which the prospecting licence was originally granted if the grantor is satisfied that a longer period is required to enable the licensee to complete prospecting operations:

Provided that no prospecting licence granted in respect of a mineral specified in the First Schedule to the Act shall be renewed except with the previous approval of the Central Government.

44. Conditions of prospecting licence.—Every prospecting licence shall be subject to the following conditions:—

- (i) the licensee shall pay the grantor such prospecting fee as may be agreed upon, being not less than twenty-five naye paise and not more than two rupees fifty naye paise per hectare of the land covered by the licence for each year or a part of the year of the period for which a licence is granted or renewed;
- (ii) in the case of minerals other than gold, silver, precious stones or mica, the licensee shall not win or carry away the minerals for commercial purposes;

Provided that the licensee may win and carry away for purposes other than commercial purposes—

- (a) any quantity of such minerals within the limits specified in Schedule III without any payment;
- (b) any quantity of such minerals exceeding such limits but not exceeding twice such limits, which is won during prospecting operations, on payment of royalty for the time being specified in the Second Schedule to the Act in respect of those minerals;
- (c) any quantity of limestone not exceeding 500 tonnes for testing its use in any industry specified by the Central Government in this behalf, on payment of royalty for the time being specified in the Second Schedule to the Act in respect of limestone;
- (iii) in the case of gold, silver, precious stones or mica the licensee may carry away any quantity won during the course of prospecting operations

on payment of royalty for the time being specified in the Second Schedule to the Act in respect of such mineral;

- (iv) such other conditions as may be agreed upon between the parties not being inconsistent with the provisions of the Act or these rules.

45. Conditions of mining lease.—Every mining lease shall be subject to the following conditions:—

- (i) the provisions of clauses (b) to (1) of sub-rule (1) of rule 27 shall apply to such leases with the modification that in clauses (c) and (d) for the words "State Government" the word "lessor" shall be substituted;
- (ii) the provisions of rule 35 shall also apply to such leases;
- (iii) the lease may contain such other conditions, not being inconsistent with the provisions of the Act and these rules, as may be agreed upon between the parties;
- (iv) if the lessee makes any default in payment of royalty as required by section 9 or commits a breach of any of the conditions of the lease, the lessor shall give notice to the lessee requiring him to pay the royalty or remedy the breach, as the case may be, within sixty days from the date of the receipt of the notice and if the royalty is not paid or the breach is not remedied within such period, the lessor without prejudice to any proceeding that may be taken against the lessee determine the lease;
- (v) the lessee may determine the lease at any time by giving not less than one year's notice in writing to lessor.

46. Transfer or assignment.—(1) No prospecting licence or mining lease or any right, title or interest in such licence or lease shall be transferred to a person unless he holds a certificate of approval in Form A from the State Government and unless he produces an income-tax clearance certificate in Form C from the Income-tax Officer concerned.

(2) No prospecting licence or mining lease or any right, title or interest in such licence or lease in respect of any mineral specified in the First Schedule to the Act shall be transferred except with the previous approval of the Central Government.

47. Submission of copy of licence or lease.—Every person obtaining a prospecting licence or a mining lease shall, within three months of the grant of such licence or lease, submit to the State Government concerned a certified copy of the licence or lease in duplicate.

48. Communication of transfer or assignment.—Every transferee or assignee of a prospecting licence or a mining lease or of any right, title or interest therein, shall, within one month of such transfer or assignment, inform the State Government of the transfer or assignment and of the terms and conditions of such transfer or assignment.

49. Prohibition of premium.—No person granting or transferring a prospecting licence or any right, title or interest in any such licence or lease shall charge or pay any premium in addition to, or in lieu of the prospecting fee, surface rent, dead rent or royalty payable under the Act or such proportionate part of such fee, rent or royalty as is payable in respect of such right, title, or interest.

50. Prohibition of working of mines.—If the State Government has reason to believe that the grant or transfer of a prospecting licence or a mining lease or of any right, title or interest in such licence or lease is in contravention of any of the provisions of this chapter, the State Government may, after giving the parties an opportunity to represent their views and with the approval of the Central Government, direct the parties concerned not to undertake any prospecting or mining operations in the area to which the licence or lease relates.

51. Returns and Statements.—The holder of a prospecting licence or a mining lease shall furnish to the State Government such returns and Statements and within such period as may be specified by it.

52. Penalty.—(1) If the holder of a prospecting licence or a mining lease or his transferee or assignee fails, without sufficient cause, to furnish the documents

or information or returns referred to in rule 46, 47 or rule 51, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) If any person grants or transfers or obtains a prospecting licence or mining lease or any right, title or interest therein, in contravention of any of the provisions of this chapter, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

CHAPTER—VI

GRANT OF PROSPECTING LICENCES AND MINING LEASES IN RESPECT OF LAND IN WHICH THE MINERALS VEST PARTLY IN GOVERNMENT AND PARTLY IN PRIVATE PERSON.

53. Chapters III and IV to apply to prospecting licences and mining leases in respect of minerals which vest partly in Government and partly in private persons.—The provisions of chapters III and IV shall apply in relation to the grant of prospecting licences and mining leases in respect of minerals which vest partly in the Government and partly in a private person as they apply in relation to the grant of prospecting licences and mining leases in respect of minerals which vest exclusively in the Government:

Provided that the dead rent and royalty payable in respect of minerals which partly vest in the Government and partly in a private person shall be shared by the Government and by that person in proportion to the shares they have in the minerals.

CHAPTER—VII

REVISION

54. Application for revision.—(1) Any person aggrieved by any order made by the State Government or other authority in exercise of the powers conferred on it by the Act or these rules may, within two months of the date of communication of the order to him, apply to the Central Government in duplicate in Form N for revision of the order. The application should be accompanied by a treasury receipt showing that a fee of Rs. 100 has been paid into a Government treasury or in any branch of the State Bank of India doing the treasury business to the credit of the Central Government under the Head of account—"XXXVI—Miscellaneous Departments—Miscellaneous—Central—Mineral Concession Fees".

Provided that any such application may be entertained after the said period of two months, if the applicant satisfies the Central Government that he had sufficient cause for not making the application within time.

(2) In every application under sub-rule (1) against the order of a State Government refusing to grant a prospecting licence or a mining lease, any person to whom a prospecting licence or mining lease was granted in respect of the same area or for a part thereof, shall be impleaded as a party.

(3) Along with the application under sub-rule (1), the applicant shall submit as many copies thereof as there are parties impleaded under sub-rule (2).

(4) On receipt of the application and the copies thereof, the Central Government shall send a copy of the application to each of the parties impleaded under sub-rule (2) specifying a date on or before which he may make his representations, if any, against the revision application.

Explanation.—For the purposes of this rule, where a State Government has failed to dispose of an application for the grant or renewal of a prospecting licence or a mining lease within the period specified in respect thereof in these rules, the State Government shall be deemed to have made an order refusing the grant or renewal of such licence or lease on the date on which such period expires.

55. Orders on revision application.—Where a petition for revision is made to the Central Government under rule 54, it may call for the record of the case from the State Government, and after considering any comments made on the petition by the State Government or other authority, as the case may be, may confirm, modify or set aside the order or pass such other order in relation thereto as the Central Government may deem just and proper.

Provided that no order shall be passed against an applicant unless he has been given an opportunity to make his representations against the comments, if any, received from the State Government or other authority.

(2) Pending the final disposal of an application for revision, the Central Government may, for sufficient cause, stay the execution of the order against which the revision application has been made.

CHAPTER—VIII

MISCELLANEOUS

56. Power to rectify apparent mistakes.—Any clerical or arithmetical mistake in any order passed by the Government or any other authority or officer under these rules and any error arising therein from accidental slip or omission, may, *within two years from the date of the order*, be corrected by the Government, authority or officer, as the case may be:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

57. Copies of licences and leases and annual returns to be supplied to Government.—(1) A copy of every prospecting licence and mining lease granted or renewed under these rules shall be supplied by *each State Government*, within two months of such grant or renewal, to the Director, Indian Bureau of Mines, and the Chief Inspector of Mines.

(2) A consolidated annual return of all prospecting licences and mining leases granted or renewed under these rules shall also be supplied by each State Government to the Director, Indian Bureau of Mines, in such form as may be specified by him, not later than the 30th day of June following the year to which the return relates. A copy of such return shall also be supplied by the State Government to the Chief Inspector of Mines at the same time.

(3) Every State Government shall send copies of all returns received by it under sub-rule (1) of rule 19 and clause (1) of sub-rule (1) of rule 27 to the Director, Indian Bureau of Mines.

58. Availability of areas for regrant to be notified.—No area which was previously held or which is being held under a prospecting licence or a mining lease or in respect of which an order had been made for the grant thereof but the applicant has died before the execution of a licence or lease, as the case may be, or in respect of which the order granting licence or lease has been revoked under sub-rule (1) of rule 15 or sub-rule (1) of rule 31, shall be available for grant unless—

(a) an entry to the effect is made in the register referred to in sub-rule (2) of rule 21 or sub-rule (2) of rule 40, as the case may be, *in ink*; and

(b) the date from which the area shall be available for grant is notified in the Official Gazette at least thirty days in advance.

59. Availability of certain areas for grant to be notified.—In the case of any land which is otherwise available for the grant of a prospecting licence or a mining lease but in respect of which the State Government has refused to grant a prospecting licence or a mining lease on the ground that the land should be reserved for any purpose other than prospecting or mining for minerals, the State Government shall, as soon as such land becomes again available for the grant of a prospecting or mining lease, grant the licence or lease after following the procedure laid down in rule 58.

60. Premature applications.—Applications for the grant of a prospecting licence or a mining lease in respect of the areas in which—

(a) no notification has been issued under rule 58 or rule 59; or

(b) if any such notification has been issued the period specified in the notification has not expired

shall be deemed to be premature and shall not be entertained and the fee, if any, paid in respect of any such application shall be refunded.

61. Lessor to supply certain information to the lessee.—Where any area has previously been held under a prospecting licence or a mining lease, the person who was granted such licence or lease shall make available to the new licensee or lessee the original or certified copies of all plans of abandoned workings in that area and in a belt 60 metres surrounding it.

62. Change of name, nationality etc. to be intimated.—The holder of a certificate of approval or the applicant for, or the holder of, a prospecting licence or a mining lease shall intimate to the State Government within sixty days any change that may take place in his name, nationality or other particulars mentioned in the relevant Forms.

63. Previous approval of the Central Government to be obtained through State Government.—Where in any case the previous approval of the Central Government is required under the Act or these rules, the application for such approval shall be made to the Central Government through the State Government.

64. How the fees and deposit to be made.—Any amount payable under the Act or these rules except that payable in respect of revision petition under sub-rule (1) of rule 54, shall be paid in such manner as the State Government may specify in this behalf.

65. Facilities for training of students.—(1) Every owner, agent or manager of a mine shall permit students of mining and geological institutions approved by the Central Government to acquire practical training of the mines and plants operated by them and provide all necessary facilities required for the training of such students.

(2) Applications for training from students of institutions teaching mining or geology should be forwarded to the owner, agent or manager of a mine through the Principal or Head of the institution. Cases of refusal to provide facilities for practical training by any owner, agent or manager of a mine should be referred to the Director, Indian Bureau of Mines.

66. Geophysical data to be supplied to Geological Survey of India and Department of Atomic Energy.—A licensee or lessee shall furnish,

- (a) all geophysical data relating to prospecting/mining fields or engineering and ground water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging collected by him during the course of prospecting or mining operations to the Director, Geological Survey of India, Calcutta;
- (b) all information pertaining to investigations of radio-active minerals collected by him during the course of prospecting or mining operations to the Secretary, Department of Atomic Energy, New Delhi.

(2) Data or information referred to in sub-rule (1) shall be furnished every year reckoned from the date of commencement of the period of the prospecting licence or mining lease.

67. Lease period.—Where more than one mineral is found in an area and lease is granted for exploiting two or more minerals, the period of lease shall not exceed twenty years.

68. Repeal.—On the commencement of these rules, the Mineral Concession Rules, 1949, shall cease to be in force, except as regards things done or omitted to be done before such commencement.

CHAPTER—IX

69. Associated minerals.—The following shall be the group of associated minerals for the purposes of section 6 of the Act namely:—

- (i) Apatite, Beryl, Cassiterite, Columbite, Emerald, Felspar, Lepidolite, Mica, Pitchblende, Quartz, Samarskite, Scheelite, Topaz, Tantalite, Tourmaline.
- (ii) Iron, Manganese, Titanium, Vanadium and Nickel minerals.
- (iii) Lead, Zinc, Copper, Cadmium, Arsenic, Antimony, Bismuth, Cobalt, Nickel, Molybdenum, and Uranium minerals, and Gold and Silver, Arsinopyrite, Chalcopyrite, Pyrite, Pyphrotite and Pentlandite.
- (iv) Chromium, Osmiridium, Platinum and Nickel minerals.
- (v) Kyanite, Sillimanite, Corundum, Dumortierite, and Topaz.
- (vi) Gold, Silver, Tellurium, Selenium and Pyrite.
- (vii) Barytes, Fluorite, Chalcocite, Selenium, and minerals of Zinc, Lead and Silver.

- (viii) Tin and Tungsten minerals.
- (ix) Limestone, Dolomite and Magnesite.
- (x) Ilmenite, Monazite, Zircon, Rutile, Garnet and Sillimanite.
- (xi) Sulphides of copper and iron.
- (xii) Coal, Fireclay and Shale.
- (xiii) Magnetite and Apatite.
- (xiv) Magnesite and Chromite.
- (xv) Talc (Soapstone and Stoaite) and Dolomite.

SCHEDULE I

[See rule 2(ii)]

1. Certificate of Approval.	Form A
2. Application for prospecting licence.	Form B
3. Income-tax clearance certificate.	Form C
4. Receipt of applications for Prospecting Licence/ Mining Lease or renewals.	Form D
5. Application for renewal of prospecting licence.	Form E
6. Prospecting Licence deed.	Form F
7. Register of applications for prospecting licences.	Form G
8. Register of prospecting licences.	Form H
9. Application for mining lease.	Form I
10. Application for renewal of mining lease.	Form J
11. Mining Lease deed.	Form K
12. Register of applications for mining lease.	Form L
13. Register of mining leases.	Form M
14. Application for revision.	Form N

FORM A

GOVERNMENT OF

No. Dated 19

CERTIFICATE OF APPROVAL

[See rule 4(4)]

This is to certify that is approved as a person
(Name, address and occupation)

who is qualified to acquire prospecting licence and mining lease in respect of all
minerals except petroleum and natural gas in the State of
under the Mineral Concession Rules, 1960.

*The certificate shall be valid upto the 31st December 19 ..

*The certificate already granted and which expired on the 31st December 19 ..
is renewed upto the 31st December 19 ..

Signature and designation of
Issuing Authority.

Seal

*Cancel portion not applicable.

FORM B

"To be submitted in Triplicate"

Received
at
(place) on
(Date).
Initial of
Receiving Officer

GOVERNMENT OF
MODEL FORM
Application for Prospecting Licence
[See rule 9(1)]

To
Through
Sir,

Dated day of 196

I/We request that a prospecting licence under the Mineral Concession Rules, 1960 be granted to me/us.

2. A sum of Rs. being the fee in respect of this application at the rate of Rs. 20/- for the first square kilometre or part thereof and Rs. 4/- for subsequent square kilometre or part thereof payable in accordance with Schedule II to the Mineral Concession Rules, 1960 has been deposited.

3. The required particulars are given below:—

- (i) Name of the applicant with complete address.
- (ii) Is the applicant a private individual/private company/public company/firm of association?
- (iii) In case applicant is:
 - (a) an individual, his nationality,
 - (b) a private company, the nationality of all members of the company along with place of registration,
 - (c) a public company, the nationality of directors, the percentage of share capital held by Indian nationals along with place of incorporation,
 - (d) firm or association, the nationality of all the partners of the firm or members of the association.
- (iv) Profession or nature of business of applicant.
- (v) No. and date of the grant or renewal of the certificate of approval (copy attached).
- (vi) If on the date of application certificate of approval has expired, the full particulars of the application for its renewal.
- (vii) Mineral or minerals which the applicant intends to prospect.
- (viii) Period for which the prospecting licence is required.
- (ix) Extent of the area the applicant wants to prospect.
- (x) Details of the area in respect of which prospecting licence is required.

District	Taluq	Village	Khasra No. Plot No.	Area
----------	-------	---------	------------------------	------

(xi) Brief description of the area with particular reference to the following:

- (a) the situation of the area with reference to natural features, such as streams etc.;
- (b) in the case of village areas, the name of the village, the name of the range and felling series, if any, and if only a part of the village is applied for, Khasra (village) number, the area in acres of each field or part thereof applied for;

- (c) in the case of forest areas, the name of the working circle, the range and felling series, if any, a description of the area in relation to the known and demarcated areas in the forest, as well as the extent in hectare (approximately);
- (d) in case of areas not covered by cadastral survey, a description of the starting point of the area with reference to fixed points on the topo map and the linear distance of boundary line and their bearings as accurately as possible corresponding to the area shown on topo map of 1"=1 mile scale;
- (xii) (a) Particulars of detailed plan—indicating permanent natural features, the boundary, the nearest railway station or post office and distance and direction of the area from any place of importance—and topographical map* of 1"=1 mile scale with the area applied for clearly marked on it, attached with the application.
- (b) in the case of an application for prospecting coal, the plan should also show the neighbouring collieries, if any.
- (xiii) No. and date of income-tax clearance certificate from the Income-tax Officer attached.
- (xiv) Particulars of the areas mineral-wise within the jurisdiction of the State Government for which the applicant or any person joint in interest with him:
 - (a) already holds under prospecting licence,
 - (b) has already applied for but not granted, or
 - (c) being applied for simultaneously.
- (xv) Nature of joint in interest, if any.
- (xvi) If the applicant intends to supervise the works, his previous experience of prospecting and mining should be explained; if he intends to appoint a manager, the name of such manager his qualifications nature and extent of his previous experience should be specified and his consent letter should be attached.
- (xvii) Financial resources of the applicant.
- (xviii) Particulars of receipted treasury challan attached for the amount referred to at 2 above.
- (xix) Any other particulars or sketch map which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans as may be required by you.

Yours faithfully,

(Signature and designation
of the applicant).

Place

Date

FORM C

Income-tax Clearance Certificate

[See rules 9(2), 14(1)(vi), 22(2)(c), 37(2), 42(1)(b) and 46(1)]

1. Name and style (of the company, firm, †HUF or individual) in which the applicants assessed or assessable to income-tax, and address for the purposes of assessment

*The topographical map of 1"=1 mile scale is obtainable from the office of the Survey of India, Hathibarkhala, Dehra Dun.

Detailed plan and topographical map are to be attached in triplicate with the original application in case mineral applied for is a schedule mineral.

N.B.—If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

†HUF stands for Hindu Undivided Family.

2. Name and address of all companies, firms or association of persons in which the applicant is substantially interested in his individual or fiduciary capacity....

3. The Income-tax Circle/Ward/District in which the applicant is assessed to income-tax and the G.I.R. No.

4. The following particulars to be furnished concerning the income-tax assessments for the preceding four years.

(a) The total contract amount received during the preceding four years (give date of the closing day of the year) being previously years of:—

1955-56.

1956-57.

1957-58.

1958-59.

1959-60.

(b) Year	Total income assessed	Tax demanded	Tax paid	Balance due
1	2	3	4	5
1955-56.				
1956-57.				
1957-58.				
1958-59.				
1959-60.				

Note.—1. Tax in Cols. 3 and 4 should include all items viz., I.T.S.T., Surcharge, E.P.T. & B.P.T.

2. If any tax remains unpaid the reasons should be explained in an attached statement.

(c) In case there has been no I.T. assessment in any year, whether returns have been submitted under section 22(1) or 22(2) or tax has been paid in advance under section 18A(3) of the Act and if so the amount of income returned for each year and tax for each of the four years mentioned above and the I.T. Circle/Ward/District concerned where such returns have been filed, give reason for the same

(d) Whether any attachment or certificate proceedings pending in respect of the arrears

(e) The name and address of branch(es) if any

I declare that the above information is correct and complete to the best of my information and belief.

Signature of the contractor.

Registered No.

Date

Address

"In my opinion the applicant mentioned above has been doing everything possible to pay the tax demands promptly and regularly and to facilitate the completion of the pending or outstanding proceedings".

(This certificate is valid for one year from the date of issue).

Seal

Date

Signature of Income-tax Officer
Circle/Ward/District.

FORM D

Receipt of Applications for prospecting licence/Mining Lease or Renewals.

[See rules 10(4) and 23(4)]

Government of

S. No.

Dated.

Received the application with the following enclosures for a prospecting licence/mining lease/renewal of prospecting licence/renewal of mining lease of Shri/Sarvashree on 19 for about hectare of land located in village/Govt. Forest Taluq District for prospecting/ mining mineral/minerals.

Enclosures:

Place

Date

Signature and designation of
receiving officer.

FORM E

“To be submitted in duplicate”

Received
at
(place) on
(Date).
Initial of
Receiving Officer

GOVERNMENT OF
MODEL FORM

Application for renewal of prospecting licence

[See rule 9(3)]

To
Through
Sir,

Dated Day of 19

I/We request for renewal of my/our prospecting licence under the Mineral Concession Rules, 1960.

2. The required particulars are given below:—

- (i) Name of the applicant with complete address.
- (ii) Is the applicant a private individual/private company/public company/firm or association?
- (iii) In case applicant is:
 - (a) an individual, his nationality,
 - (b) a private company, the nationality of all members of the company along with place of registration,
 - (c) a public company, the nationality of directors, the percentage of share capital held by Indian nationals along with place of incorporation,
 - (d) firm or association, the nationality of all the partners of the firm or members of the association.
- (iv) Profession or nature of business of applicant.
- (v) No. and date of the certificate of approval (copy attached).
- (vi) If on the date of application, certificate of approval has expired, full particulars of the application for its renewal.
- (vii) No. and date of income-tax clearance certificate from the Income-Tax Officer (attach d).
- (viii) (a) Particulars of the prospecting licence of which renewal is desired.
(b) Details of previous renewal/renewals granted, if any.
- (ix) Reasons in detail for asking for renewal of prospecting licence alongwith a report on the prospecting already done.
- (x) Period for which renewal of prospecting licence is desired.
- (xi) Whether renewal is desired for the whole or part of the area held under prospecting licence.

- (xii) In case the renewal applied for is only for part of the area held under prospecting licence,
 (a) the area applied for renewal,
 (b) description of the area applied for renewal (description should be adequate for the purposes of demarcating the plot),
 (c) particulars of the map of area held under prospecting licence with area applied for renewal clearly marked on it attached.
 (xiii) Any other particulars which the applicant may wish to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans, as may be required by you.

Yours faithfully,

Place

Date

Signature and designation of the applicant.

N.B.—If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

FORM F

MODEL FORM OF PROSPECTING LICENCE

[See rule 15(2)]

THIS IDENTURE made this day of 19 between the Governor of/the President of India (hereinafter referred to as the 'State Government' which expression shall where the context so admits be deemed to include his successors and assigns) of
 When the licensee is an individual. the one part and (name of person with address and occupation) (hereinafter referred to as "the licensee" which expression shall where the context so admits be deemed to include his heirs, executors, administrators, representatives and permitted assigns).

..... (Name of person with address and occupation) and
 (Name of person with address and occupation) (hereinafter referred to as "the licensee" which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

..... (Name and address of partner) son of of
 son of of son of of all carrying on business in partnership under the firm name and style of
 (name of the firm) registered under the Indian Partnership Act, 1932, (9 of 1932) and having their registered office at
 When the licensee is a registered firm. in the town of (hereinafter referred to as 'the licensees' which expression shall where the context so admits be deemed to include all the said partners their respective heirs, executors, legal representatives and permitted assigns).

..... (Name of company) a company registered under
 (Act under which incorporated) and having its registered office at
 When the licensee is a registered company. (Address) (hereinafter referred to as "the licensee" which expression shall where the context so admits be deemed to include its successors and permitted assigns) of the other part.

WHEREAS the licensee/licensees has/have applied to the State Government in accordance with the Mineral Concession Rules, 1960 (hereinafter referred to as the said Rules) for a licence to prospect for in the lands specified in Schedule 'A' hereunder written and delineated in the plan herewith annexed (hereinafter referred to as the said lands) and has/have deposited with the State Government Rs. as the prescribed security in respect of such licence and has/have paid to the State Government the sum of Rs. as the prescribed prospecting fee for months/years in advance in respect of such licence and WHEREAS the State Government has found that the licensee is in possession of a valid certificate of approval and Income Tax Clearance Certificate and that

there is no objection to the grant of such license (and WHEREAS the Central Government has approved the grant of this license)*

NOW THESE PRESENTS WITNESS as follows:—

PART I

In consideration of the fee, royalties, covenants, and agreements hereinafter reserved and contained and on the part of the licensee/licensees to be paid observed and performed the State Government hereby grants and demises unto the licensee/licensees the sole right and license.

To enter upon the lands and to search for, win or carry away and dispose of minerals won

(1) to enter upon the said lands and to search for by quarrying, boring and digging or otherwise all or any (Name of minerals) lying or being within under or throughout the said lands.

(2) in the case of minerals other than gold, silver, precious stones or mica, this licence shall not confer upon the licensee a right to win or carry away the minerals for commercial purposes.

Provided that the licensee may win and carry away for purposes other than commercial purposes—

- (a) any quantity of such minerals within the limits specified in Schedule III of the Mineral Concession Rules, 1960, without any payment;
- (b) any quantity of such minerals exceeding such limits but not exceeding twice such limits, which is won during prospecting operations, on payment of royalty for the time being specified in the Second Schedule to the Act in respect of those minerals;
- (c) any quantity of lime-stone not exceeding 500 tons for testing its use in any industry specified by the Central Government in this behalf, on payment of royalty for the time being specified in the Second Schedule to the Act in respect of lime-stone;
- (d) in the case of gold, silver, precious stones or mica the licensee may carry away any quantity won during the course of prospecting operations on payment of royalty for the time being specified in the Second Schedule to the Act in respect of such minerals.

To clear undergrowth and brush-wood, etc.

(3) Subject to the provisions of clauses 5 and 6 of Part II of these presents for the purpose aforesaid to clear undergrowth and brush-wood and trees with the sanction of the Deputy Commissioner/Collector previously obtained in writing, to make and use any drains or water courses on the said lands for purposes as may be necessary for effectually carrying on the prospecting operations and for the workmen employed thereon and within the like sanction to use any water provided always that such use shall not diminish or interfere with the supply of water to which any cultivated land, village, building or watering place for live-stock has heretofore been accustomed and that no streams, springs or well shall be fouled or polluted by any such use or the prospecting operations hereby licensed.

To bring upon and erect machinery etc. on the said lands

(4) To erect and bring upon the said lands all such temporary huts, sheds and structures, steam and other engine machinery and conveniences, chattels and effects as shall be proper and necessary for effectually carrying on the prospecting operations hereby licensed or for the workmen employed thereon.

RESERVED nevertheless to the State Government full power and liberty at all times to enter into and upon and to grant or demise to any person or persons whomsoever liberty to enter into and upon the said lands for all or any purposes other than those for which sole right and license are hereby expressly conferred upon the licensee/licensees and particularly (and without hereby in any way qualifying such general power and liberty) to make on, over or through the said lands such roads tram-ways, railways and ropeways as shall be considered necessary or expedient for any purposes and to obtain from and out of the said lands such stone, earth or other materials as may be necessary or requisite for making repairing or maintaining such roads, tramways, railways and ropeways to pass

*In case of "specified" minerals only.

and re-pass at all times over and along such roads, tramways, railways and rope-ways for all purposes and as occasion shall require.

To hold the said right and license unto the licensee/licensees from the date of these presents for the term of (hereinafter referred to as the said term).

Paying therefor annually in advance a sum of Rs. ... being the prospecting fee for each year or portion of a year and immediately on the expiration or sooner determination of the said term clear of all fees, rates, taxes, charges, deductions and royalty at the rates specified in Schedule 'B' and 'C' hereunder written on the minerals won and carried away by the licensee/licensees during the said terms.

PART II

COVENANTS BY LICENSEE/LICENSEES

The licensee/licensees hereby covenants/covenant with the State Government as follows:—

Payment and rates of royalty

(1) To pay royalty to the State Government at such rates and at such time as are specified in Schedule 'C' hereunder written provided that the licensee/licensees shall be entitled to carry away free of royalty not more than for experimental purposes.

Payment of prospecting fee

(2) To pay annually in advance a prospecting fee in respect of ensuing year or part of the year at such rates and time as are specified in Schedule 'B' hereunder written.

To carry on work in work-man-like manner

(3) To work and carry on the operations hereby licensed in a fair orderly skillful and workmanlike manner and with as little damage as may be to the surface of the lands and to trees, crops, buildings structures and other property thereon.

Maintenance of correct accounts

(4) Licensee/licensees shall maintain a correct and faithful account of all the expenses incurred by him/them on prospecting operations and also the quantity and other particulars of all minerals obtained during such operations and their despatch.

No mining operations within 50 metres of public works etc.

(5) The licensee/licensees shall not work or carry on or allow to be worked or carried on any prospecting operations at or to any points within a distance of 50 metres from any railway line except with the previous written permission of the Railway Administration concerned or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the Deputy Commissioner/Collector or any other Officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions, restrictions and conditions either general or special which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway line, reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no working shall be carried on within a distance of 10 metres of the outer edge of the cutting except with the previous written permission of the Deputy Commissioner/Collector or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

Explanation.—For the purposes of this clause the expression 'Railway Administration' shall have the same meaning as it is defined to have in the Indian Railway Act, 1890, by Section 3 of sub-section (4) of that Act. 'Public Road' shall mean a road which has been constructed by artificially surfaced as distinct from a tract resulting from repeated use. Village road will include any track shown in the Revenue records as village road.

Not to cut or injure trees in reserved forest etc. without previous permission

(6) Not to cut or injure any timber or tree on any unoccupied or unreserved land without the written permission of the Deputy Commissioner/Collector nor

without such permission disturb the surface of any road or enter upon any public pleasure ground, burning or burial ground, or any place held sacred by any class of persons or interfere with any right of way, well or tank.

Entry upon land in occupation of a person

(7)* Not to enter upon any land in the occupation of any person without the consent of the occupier nor to cut or in any way injure any trees, standing crops, buildings, huts, structures or other property of any kind of the occupier of any land or any other person without the written consent of such owner, occupier or person.

Not to commence work in reserved forest without previous permission

(8) Not to enter upon or commence prospecting in any protected or reserved forest situated upon the lands without obtaining the written sanction of the District Forest Officer, nor otherwise than in accordance with such conditions as may be prescribed in such sanction.

Indemnify Govt. against all claims

(9) To make reasonable satisfaction and pay such compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury, or disturbance which may be done by him in exercising of the powers granted by this license and to indemnify and keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

Forfeiture of security deposits etc.

(10) Whenever the security deposit of Rs. or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the State/Central Government, pursuant to the power hereinafter declared in that behalf the licensee/licensees shall forthwith deposit with the State Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the State Government upto the sum of Rs.

License: not to be controlled by trust, syndicate etc.

(11) The licensee/licensees shall not be controlled or permit himself/themselves to be controlled by any trust, syndicate, corporation, firm or person except with the written consent of the State Government which will be given only after obtaining the prior approval of the Central Govt. in cases where prospecting licence executed is in respect of minerals included in the First Schedule to the Act

Report of accident

(12) The licensee/licensees shall without delay send to the Deputy Commissioner/Collector a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this license.

Section 18 of the Act 67 of 1957

(13) The licensee/licensees shall be bound by such rules as may be issued by the Central Government under section 18 of the Mines and Minerals (Regulation and Development) Act, 1957, (67 of 1957) and shall not carry on prospecting or other operations under the said license in any way other than as prescribed under these rules.

To provide for weighing or measurement of material won

(14) At such times and occasions as may be required the licensee/licensees shall well and truly measure or weigh or cause to be measured or weighed upon some part of the said lands all minerals from time to time won from the said lands by the licensee/licensees and all such minerals as may require to be measured or weighed for the purpose of ascertaining the royalty payable under these presents shall be so measured or weighed. The licensee/licensees agrees/agree not to take away from the said lands any minerals so won until the same shall have been measured or weighed as the case may be. The licensee/licensees further agrees/agree to give days previous notice

*This clause should be suitably modified if it be not in accordance with the provision of local law.

in writing to the Deputy Commissioner/Collector of every such measuring or weighing in order that he or some person on his behalf may be present thereat.

Plugging of bore holes, fencing etc., and restoring the surface of land after determination or abandonment

(15) Save in the case of land over which the licensee/licensees shall have been granted a mining lease, on or before the expiration or sooner determination of the license, he shall within six months next after the expiration or sooner determination of the license or the date of abandonment of the undertaking, whichever shall first occur, securely plug any bore or hole and fill up or fence any holes or excavations that may have been made in the lands to such an extent as may be required by the Deputy Commissioner/Collector concerned and shall to a like extent restore the surface of the land and all buildings thereon which may have been damaged or destroyed in the course of prospecting provided that the licensee/licensees shall not be required to restore the surface of the land, or any building in respect of which full and proper compensation has already been paid.

Removal of machinery etc., after expiration, determination or abandonment

(16) Upon the expiration or sooner determination of this license or the abandonment of the operations hereby licensed, whichever shall first occur, the licensee/licensees shall remove expeditiously at his/their own cost all buildings, structures, plant, engines, machinery implements, utensils and other property and effects theretofore, erected or brought by the licensee/licensees and then standing or being upon the said lands and also all minerals theretofore won by the licensee/licensees under the authority of these presents and then being upon the said lands PROVIDED that this covenant shall not apply to any part of the said lands which may be comprised in any mining lease granted to the licensee/licensees during the subsistence of this license.

Report of work done before the refund of security deposits

(17) At any time before the said security deposit is returned to him/them or transferred to any other account or within six months after the expiration or sooner determination of the license or abandonment of the operations whichever is earlier, the licensee/licensees shall submit to the State Government confidentially a full report of the work done by him/them and disclose all information acquired by him/them in the course of the operations carried on under this license regarding the geology and mineral resources of the area covered by the license. If the licensee/licensees applies/apply for and is/are granted a mining lease over the whole or part of the area covered by the prospecting licence, the report shall be submitted to the State Government within one year of the date of the lease.

Employment of foreign nationals

(18) The licensee/licensees shall not employ, in connection with the prospecting operation any person who is not an Indian National except with the previous approval of the Central Government.

Furnishing of Geophysical data

(19) The licensee/licensees shall furnish:

- (a) all geophysical data relating to prospecting or engineering and ground water surveys, such as anomaly maps, sections, plans, structures; contour maps, logging, collected by him/them during the course of prospecting operations to the Director, Geological Survey of India, Calcutta;
- (b) all information pertaining to investigation of radio active minerals collected by him/them during the course of prospecting operations to the Secretary to the Department of Atomic Energy, New Delhi.

Data or information referred to above shall be furnished every year reckoned from the date of commencement of the period of the prospecting licence.

PART III

POWERS OF THE GOVERNMENT

It is hereby agreed as follows:—

Cancellation of the licence and forfeiture of the deposit in case of breach of conditions.

(1) In the case of any breach of any condition of the licence by the licensee/licensees or his transferees or assignees, the State Government shall give a

reasonable opportunity to the licensee/licensees of stating his/their case and where it is satisfied that the breach is such as cannot be remedied, on giving thirty days notice to the licensee/licensees or his transferees or assignees, determine the licence and or forfeit the whole or any part of the said deposit of Rs. deposited under the covenants in that behalf as the State Government may deem fit. In case the State Government considers the breach to be of a remediable nature, it shall give notice to the licensee/licensees or his transferees or assignees as the case may be requiring him/them to remedy the breach within thirty days from the date of receipt of the notice informing him of the penalty proposed to be inflicted if such remedy is not made within such period.

Application of security to payment of compensation

(2) The State Government may from time to time appropriate and apply the said deposit of Rs. or any part thereof or any further sum deposited under any covenants in that behalf heretofore contained in or towards payment or satisfaction of any claims to compensation which the Government has or may have against the licensee/licensees and/or which may be made by any person or persons against the licensee/licensees and or the State Government in respect of any damage or injury done by the licensee/licensees in exercise of any of the powers conferred by this licence and in or towards payment of any damages, costs or expenses which may become payable as the result of or in connection with any suits or proceedings, which may be instituted against the State Government in respect of any such damage or injury and also in or towards payment of the expenses of the carrying out or performance of any works or matters which the licensee/licensees shall fail to carry out or perform after the expiry or sooner determination of this licence or the abandonment of the operations hereby licenced in accordance with the covenants in that behalf heretofore contained or in payment or satisfaction of any such claims, damages, costs and expenses.

When the properties of licensee are not removed from the lands in time

(3) If any buildings, structures, plant, engines, machinery implements utensils or other property or effects or any minerals which ought to be removed by the licensee/licensees from the said lands, in accordance with the covenant in that behalf heretofore contained, be not so removed within one calendar month after notice in writing requiring their removal shall have been given to the licensee/licensees by the State Government, the same shall be deemed to become the property of the State Government and may be sold or disposed of for the benefit of the State Government in such manner as the State Government shall deem fit, without any liability to pay any compensation or to account to the licensee/licensees in respect thereof

Licensee/licensees to pay for work done on his behalf

(4) If any of the works or matters which in accordance with the covenants in that behalf heretofore contained are to be carried out or performed by the licensee/licensees, be not so carried out or performed within the time specified in that behalf, the State Government may cause the same to be carried out or performed and the licensee/licensees shall pay the State Government on demand all expenses which shall be incurred in such carrying out or performance of the same.

Right of pre-emption

(5) (a) The State Government shall from time to time and at all times during the said term have the right (to be exercised by notice in writing to the licensee/licensees) of pre-emption of the said minerals (and/all products thereof) lying in or upon the said lands or elsewhere under the control of the licensee/licensees and the licensee/licensees shall with all possible expedition deliver all minerals or products or minerals purchased by the State Government under the power conferred by this provision in the quantities at the time in the manner and at the place specified in the notice exercising the said right.

(b) Should the right of pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the State Government or the Central Government be detained on demurrage at the port of loading, the licensee/licensees shall pay the amount due for demurrage according to the terms of the charter party of such vessel unless the State Government shall be satisfied that the delay is due to cause beyond the control of the licensee/licensees.

(c) The price to be paid for all minerals or products of minerals taken in pre-emption by the State Government in exercise of the right hereby conferred

shall be the fair market price prevailing at the time of pre-emption, PROVIDED THAT in order to assist in arriving at the said fair market price the licensee/licensees shall if so required furnish to the State Government for the confidential information of the Government, particulars of the quantities descriptions and prices of the said mineral or products thereof sold to other customers and of charters entered into for freight for carriage of the same and shall produce to such officer or officers as may be directed by the State Government original or authenticated copies of contracts and charter parties entered into for the sale of freighting of such minerals or products.

(d) In the event of the existence of a state of war or emergency (of which existence the President of India shall be the sole judge and a notification to this effect in the Gazette of India shall be conclusive proof) the State Government with the consent of the Central Government shall from time to time and all times during the said term have the right (to be exercised by a notice in writing to the licensee/licensees) forthwith take possession and control of the works plant machinery and premises of the licensee/licensees on or in connection with the said lands or the operations under this licence and during such possession or control, the licensee/licensees shall conform to and obey all directions given by or on behalf of the Central or State Government regarding the use of employment of such works plants premises and minerals, PROVIDED THAT fair compensation, which shall be determined in default of agreement by the State Government shall be paid to the licensee/licensees for all loss or damage sustained by him/them by reason or in consequence of the exercise of the powers conferred by this clause and PROVIDED ALSO that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause

PART IV RIGHTS OF LICENSEE/LICENSEES

It is hereby further agreed as follows:—

Transfer of licence and fee payable

(1) During the subsistence of this licence or of any renewal thereof the licensee/licensees may, with the previous sanction of the State Government which, in respect of any mineral/minerals specified in the First Schedule of the Act will be granted by the State Govt. only after obtaining prior approval of the Central Government, transfer his/their licence or any right, title or interest therein to a person holding a certificate of approval and Income Tax Clearance Certificate on payment to the State Government of a fee of rupees one hundred.

Renewal of Prospecting Licence

(2) If the licensee/licensees be desirous of taking a renewed licence of the premises hereby demised or of any part or parts of that for a further term from the expiration of the term hereby granted and is otherwise eligible, he/they shall apply to the State Government for renewal at least 3 months prior to the date of expiration of the term of licence under these covenants and shall pay the rents and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of licensee/licensees to be observed and performed up to the expiration of the term hereby granted. The State Government on receipt of the application for renewal shall consider it in accordance with relevant sections of the Act and relevant rules of the Mineral Concession Rules, 1960 and shall pass such orders as it may deem fit. If renewal is granted, the State Government will at the expense of the licensee/licensees and upon his/their executing and delivering to the State Government, if required, the counterpart thereof execute and deliver to the licensee/licensees the renewed licence of the said premises or part thereof for a further term of ——— years at such rates of royalty and on such terms and subject to such rates and royalties and on such terms and subject to such covenants and agreements including this present covenant be renewed and shall in accordance with the Mineral Concession Rules, 1960 applicable (names of minerals) on the day next following the expiration of the term hereby grant

Preferential right of the licensee/licensees for obtaining mining lease

(3) On or before the determination of the licence or any renewal thereof, the licensee/licensees shall have a preferential right for obtaining a mining lease in respect of whole or part of that land over any other person, provided that the State Government is satisfied that the licensee/licensees has/have not committed any breach of the terms and conditions of the prospecting licence and is otherwise a fit person for being granted the mining lease.

Extension of period of prospecting licence

(4) If the licensee/licensees before the determination of this licence or of any renewal thereof apply/applies for the grant of a mining lease over the whole or any part of the said lands, the period of this licence shall be further extended over that part of the said lands until the mining lease is granted. No fee shall be payable in respect of any period so extended.

Refund of deposit

(5) On such date within six calendar months after the determination of this licence or of any renewal thereof, as the State Government shall elect after compliance by the licensee/licensees of rule 16 of Mineral Concession Rules, 1960, the amount then remaining in deposit with the State Government and not required to be applied to any of the purposes in Part III of these presents mentioned, shall be refunded to the licensee/licensees or if the licensee/licensees shall have obtained a mining lease over the said lands or any portion thereof, be retained at the credit of the licensee/licensees on account of the fees rents and royalties to become payable under such lease. The amount shall in no case carry any interest whatsoever.

PART V

GENERAL PROVISIONS

It is lastly agreed as follows:—

Acquisition of land/compensation thereof

(1) If after the receipt of an offer of compensation for any damage which is likely to arise from the proposed operation of the licensee/licensees, the occupier of the surface of any part of the said lands shall refuse his consent to the exercise of the rights and powers reserved to the State Government and granted by this licence, the licensee/licensees shall report the matter to the State Government and shall deposit with it the amount offered as compensation and if the State Government is satisfied that the amount of compensation is reasonable or if it is not so satisfied and the licensee/licensees shall have deposited with it such further amount as the State Government may consider reasonable, the State Government shall order the occupier to allow the licensee/licensees to enter upon the said land and carry out such operations as may be necessary for the purpose of the licence. In assessing the amount of such compensation the State Government shall be guided by the principles of the Land Acquisition Act.

Delay in fulfilment of the terms of licence due to force majeure

(2) Failure on the part of the licensee/licensees to fulfil any of the terms and conditions of this licence shall not give the State Government any claim against him/them or be deemed a breach of the licence in so far as such failure is considered by the State Government to arise from force majeure. If the fulfilment of the licensee/licensees of any of the terms and conditions of this licence be delayed from force majeure, the period of such delay shall be added to the period fixed by this licence.

The expression force majeure means act of God, war, insurrection, riot, civil commotion, strike, tide, tidalwave, storm, flood, lightning, explosion, fire, earthquake and any other happening which the licensee/licensees could not reasonably prevent or control.

Service of notices

(3) Every notice required to be given to the licensee/licensees shall be given in writing to such person as the licensee/licensees may appoint for the purpose of receiving such notices or if no such appointment is made then the notice shall be sent to the licensee/licensees by registered post addressed to him/them at the address shown in his/their application for the licence or at such other address in India as he/they designate from time to time, and every such service shall be deemed to be proper and valid service upon the licensee/licensees and shall not be questioned or challenged by him.

Discovery of new minerals

(4) The licensee shall report to the State Government the discovery of any mineral not specified in the licence within a period of sixty days from the date of such discovery and shall not undertake any prospecting operations in respect of such mineral unless such mineral is included in the licence.

Immunity of State Government from liability to pay compensation

(5) If in any event the orders of the State Government are revised, reviewed or cancelled by the Central Govt. in pursuance of proceedings under Chapter VII of the Mineral Concession Rules, 1960, the licensee/licensees shall not be entitled to compensation for any loss sustained by the licensee/licensees in exercise of the powers and privileges conferred upon him/them by these presents.

In witness whereof these presents have been executed in the manner hereunder appearing the day and year first above written.

SCHEDULE A

The land covered by the licence

Here insert the description of lands with area, boundaries names of District, Sub-division, Thana etc. and cadastral survey numbers if any. In case a map is attached, refer the map in the description to be inserted.

SCHEDULE B

Prospecting Fee

(Here specify the amount of the prospecting fee and the manner and time of payment.)

SCHEDULE C

Royalty

1. Rates of royalty on minerals shall be in accordance with the Second Schedule of the Act.

2. (a) Here insert the mode of arriving at sale prices at pi's month of mineral/minerals.

(b) The manner and time of payment of royalty.

FORM G

REGISTER OF APPLICATIONS FOR PROSPECTING LICENCES

[See rule 21(1)]

1. Serial No.
2. Date of application of P.L.
3. Date on which application was received by the Receiving Officer.
4. Name of the applicant with full address.
5. Situation and boundaries of the land applied for.
6. Estimated area of the land.
7. Particulars of the minerals which the applicant desires to prospect.
8. Application fee paid.
9. Remarks.
10. Final disposal of the application together with number and date of the order.
11. Signature of the officer.

FORM H

REGISTER OF PROSPECTING LICENCES

[See rule 21(2)]

1. Serial number.
2. Name of the licensee.
3. Residence with complete address of the licensee.
4. Date of application.
5. Date on which application was received by the Receiving Officer.
6. Number and date of Certificate of approval held by the licensee at the time of grant.
7. Situation and boundaries of the land.
8. Total area for which licence granted.

9. (a) Number and date of grant of the licence;
(b) Date of execution of P. L. agreement.
10. The mineral or minerals for which prospecting licence has been granted.
11. Period for which granted.
12. Date and period of renewal.
13. Application fee paid.
14. Prospecting fee and royalty, if payable.
15. Amount of security deposit.
16. Particulars of disposal or refund of security deposit.
17. Date of application for mining lease (if any).
18. Date of assignment or transfer of licence, if any, and the name and address, of the assignee/transferee.
19. Date of expiry or relinquishment or cancellation of licence or grant of mining lease.
20. Date from which the area is available for regrant.
21. Remarks.
22. Signature of the officer.

FORM I

"To be submitted in triplicate"

GOVERNMENT OF

APPLICATION FOR MINING LEASE

[See rule 22(1)]

Dated

day of

196

Received at..... (place) on..... (date) Initial of Receiving Officer.

To

Through

Sir,

I/We request that a mining lease under the Mineral Concession Rules, 1960 may be granted to me/us.

2. A sum of Rs. 200/- and Rs. 500/- respectively being the fees in respect of this application and the preliminary expenses payable under sub-rule (2) of rule 22 of the said rules have been deposited.

3. The required particulars are given below:—

(i) Name of the applicant with complete address.

(ii) Is the applicant a private individual/private company/public company/firm or association?

(iii) In case applicant is:

(a) an individual, his nationality,

(b) a private company, the nationality of all members of the company along with place of registration,

(c) a public company, the nationality of directors, the percentage of share capital held by Indian nationals along with place of incorporation,

(d) firm or association, the nationality of all the partners of the firm or members of the association.

(iv) Profession or nature of business of applicant.

(v) No. and date of the certificate of approval (copy attached).

(vi) If on the date of application certificate of approval has expired, the full particulars of the application for its renewal.

- (vi) Mineral or minerals which the applicant intends to mine.
- (viii) Period for which mining lease is required.
- (ix) Period for which renewal of mining lease is required.
- (x) Whether renewal is applied for the whole or part of the lease-hold.
- (xi) In case the renewal applied for is only for part of the lease-hold:
 - (a) the area applied for renewal;
 - (b) description of the area applied for renewal (description should be adequate for the purpose of demarcating the plot);
 - (c) particulars of map of the lease-hold with area applied for renewal clearly marked on it (attached).
- (xii) Means by which the mineral is to be raised, i.e. by hand labour or mechanical or electric power.
- (xiii) Manner in which the mineral raised is to be utilised—
 - (a) for manufacture in India,
 - (b) for exports to foreign countries,
 - (c) in the former case the industries in connection with which it is required, should be specified. In the latter case, the countries to which the mineral will be exported and whether the mineral is to be exported after processing or in raw form, should be stated.
- (xiv) Details of output during the last three years and phased programme for production during the next three years along with a layout plan for development, if any.
- (xv) In case of coal, details of existing railway transport facility available and additional transport facility, if any, required.
- (xvi) Any other particulars which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans, as may be required by you.

Yours faithfully,

Signature and designation of the applicant.

Place

Date

N.B.—If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

FORM J

"To be submitted in duplicate"

Received	
at	(place)
on	(date)
Initial of Receiving	
Officer	

GOVERNMENT OF
MODEL FORM
APPLICATION FOR RENEWAL OF MINING LEASE
[See rule 22(5)]

Dated

day of

196

To

Through

Sir,

I/We request for renewal of my/our mining lease under the Mineral Concession Rules, 1960.

2. The required particulars are given below:—

- (i) Name of the applicant with complete address.
- (ii) Is the applicant a private individual/private company/public company/firm or association?

- (iii) In case applicant is:
 - (a) an individual, his nationality,
 - (b) a private company the nationality of all members of the company along with place of registration,
 - (c) a public company, the nationality of directors, the percentage of share capital held by Indian nationals along with place of incorporation,
 - (d) a firm or association, the nationality of all the partners of the firm or members of the association.
- (iv) Profession or nature of business of applicant.
- (v) No. and date of the certificate of approval (copy attached).
- (vi) If on the date of application, certificate of approval has expired, the full particulars of the application for its renewal.
- (vii) No and date of income-tax clearance certificate from Income-Tax Officer (attached).
- (viii) (a) Particulars of the mining lease of which renewal is desired;
 - (b) Details of previous renewal granted, if any.
- (ix) Extent of the area applicant wants to mine.
- (x) Details of the area in respect of which mining lease is required.

District Taluq Village Khasra No.	Plot No.	Area
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- (xi) Brief description of the area with particular reference to the following:—
 - (a) the situation of the area with reference to natural features, such as streams etc ;
 - (b) in the case of village area, the name of the village, the name of the range and felling series, if any, and if only a part of the village is applied for, Khasra (village) number, the area in hectare of each field or part thereof applied for;
 - (c) in the case of forest areas, the name of the working circle, the range and felling series, if any, a description of the area in relation to the known and demarcated areas in the forest, as well as the extent in hectare (approximately);
 - (d) in case of area not covered by cadastral survey, a description of the starting point of the area with reference to fixed points on the topo map and the linear distances of boundary line and their bearing as accurately as possible corresponding to the area shown on topo map of 1"=1 mile scale.
- (xii)* (a) Particulars of detailed plan indicating permanent natural features, the boundary, the nearest railway station or post office and distance and direction of the area from any place of importance and topographical map of 1"=1 mile scale with the area applied for clearly marked on it, attached with the application.

*The topographical map of 1"=1 mile scale is obtainable from the office of the Survey of India, Hathibarkala, Dehra Dun.

Detailed plan and topographical map are to be attached in triplicate with the original application in case mineral applied for is a schedule mineral.

N.B.—If the application is signed by an authorised agent of the applicant, Power of Attorney should be attached.

- (b) In case the application is for coal, a geological plan of the area showing *inter alia* the location of the seams, their thickness, dip, occurrences of faults and other geological disturbances and neighbouring collieries whether working closed or abandoned should also be attached.
- (xiii) No. and date of income-tax clearance certificate from the Income-Tax Officer attached.
- (xiv) Particulars of the area mineralwise within the jurisdiction of the State Government for which the applicant or any person joint in interest with him:
- already holds under mining lease,
 - has already applied for but not granted,
 - being applied for simultaneously.
- (xv) Nature of joint in interest, if any,
- (xvi) Do you hold a prospecting licence over the area mentioned at (x) above? If so, give its No. and date of grant and the date when it is due to expire.
- (xvii) Approximate quantity of mineral/minerals expected to be raised during the first year and phased programme of output until fully developed. The estimated quantity of reserves quality-wise may also be indicated
- (xviii) Means by which the mineral/minerals are to be raised, i.e., by hand labour or mechanical or electrical power. In the case of coal, the manner in which coal is proposed to be raised, i.e., whether by quarrying or by driving inclines or by sinking of pits should be indicated.
- (xix) Manner in which the mineral raised is to be utilised:
- for manufacture in India,
 - for exports to foreign countries.
- In the former case the industries in connection with which it is required, should be specified. In the latter case, the countries to which the mineral will be exported and whether the mineral is to be exported after processing or in raw form should be stated.
- (c) In case of coal, details of existing railway transport facility available and additional transport facility, if any, required.
- (xx) If the applicant intends to supervise the works, his previous experience of prospecting and mining should be explained; if he intends to appoint a manager, the name of such manager his qualifications nature and extent of his previous experience should be specified and his consent letter should be attached.
- (xxi) Financial resources of the applicant.
- (xxii) Particulars of receipted treasury challan etc. attached for the amount referred to at 2 above.
- (xxiii) Any other particulars or sketch map which the applicant wishes to furnish.

I/We do hereby declare that the particulars furnished above are correct and am/are ready to furnish any other details, including accurate plans and security deposit etc., as may be required by you.

Yours faithfully,
Signature of the applicant.

Place
Date:

FORM K
MODEL FORM OF MINING LEASE
(See rule 31)

THIS INDENTURE made this day of 19
between the Governor of/the President of
India (hereinafter referred to as the 'State Government' which expression shall
where the context so admits be deemed to include the successors and assigns) of
the one part and

..... (Name of person with address and occupa-
tion) (hereinafter referred to as "the lessee" which
expression shall where the context so admits be deemed
to include his heirs, executors, administrators, represen-
tatives and permitted assigns)

When the lessee
is an individual.

..... (Name of person with address and occupation) and..... (Name of person with address and occupation) (hereinafter referred to as the lessees which expression shall where the context so admits be deemed to include their respective heirs, executors, administrators, representatives and their permitted assigns).

son of of son of
When the lessee is a of son of
registered firm all carrying on business; in partnership under the firm name and style of..... (name of the firm) registered under the Indian Partnership Act, 1932 (9 of 1932) and having their registered office at in the town of (hereinafter referred to as 'the licensees' which expression where the context so admits be deemed to include all the said partners, their respective heirs, executors, legal representatives and permitted assigns).

..... (Name of company) a company registered under (Act under which incorporated) and having its registered office at (Address) (herein after referred to as the lessee which expression shall where the context so admits be deemed to include its successors and permitted assigns).
of the other part.

WHEREAS the lessee/lessees has/have applied to the State Government in accordance with the Mineral Concession Rules, 1960 (hereinafter referred to as the said Rules) for a mining lease for in respect of the lands described in Part I of the Schedule hereunder written and has/have deposited with the State Government the sum of Rs. as security and the sum of Rs. for meeting the preliminary expenses for a mining lease and whereas the lessee is in possession of a valid certificate of approval and Income Tax Clearance Certificate (and WHEREAS the Central Government has approved the grant of the lease).*

WITNESSETH that in consideration of the rents and royalties covenants and agreements by and in these presents and the schedule hereunder written reserved and contained and on the part of the lessee/lessees to be paid observed and performed, the State Government (with the approval of the Central Government)* hereby grants and demises unto lessee/lessees. All those the mines beds/veins seams of (here state the mineral or minerals) (hereinafter and in the schedule referred to as the said minerals) situated lying and being in or under the lands which are referred to in Part I of the said schedule, together with the liberties, powers and privileges to be exercised or enjoyed in connection herewith which are mentioned in Part II of the said Schedule subject to the restrictions and conditions as to the exercise and enjoyment of such liberties, powers and privileges which are mentioned in Part III of the said Schedule Except and reserving out of this demise unto the State Government the liberties, powers and privileges mentioned in Part IV of the said Schedule To Hold the premises hereby granted and demised unto the lessee/lessees from the day 19 for the term of years thence next ensuing YIELDING AND PAYING therefore unto the State Government the several rents and royalties mentioned in Part V of the said Schedule at the respective times therein specified subject to the provisions contained in Part VI of the said Schedule and the lessee/lessees hereby covenants/covenant with the State Government as in Part VII of the said Schedule is expressed and the State Government hereby covenants with the lessee/lessees as in Part VIII of the said Schedule as expressed AND it is hereby mutually agreed between the parties hereto as in Part IX of the said Schedule is expressed.

IN WITNESS WHEREOF these presents have been executed in manner hereunder appearing the day and year first above written.

The Schedule above referred to

PART I

THE AREA OF THIS LEASE

Location and area of the lease

All that tract of lands situated at (Description of area or areas) in (Pargana) in the Registration District of Sub-District and Thana bearing Cadastral

*In case of minerals included in the first Schedule of the Mines and Minerals (Regulation and Development) Act, 1957.

Survey Nos. containing an area of or thereabouts delineated on the plan here to annexed and thereon coloured and bounded as follows:—

On the North by

On the South by

On the East by

and

On the West by

hereinafter referred to as "the said lands."

PART II

LIBERTIES, POWERS AND PRIVILEGES TO BE EXERCISED AND ENJOYED BY THE LESSEE/LESSEES SUBJECT TO THE RESTRICTIONS AND CONDITIONS IN PART III.

To enter upon land and search for win work etc.

1. Liberty and power at all times during the term hereby demised to enter upon the said lands and to search for mine bore dig drill for win work dress process convert carry away and dispose of the said mineral/minerals

To sink drive and make pits shafts and inclines etc.

2. Liberty and power for or in connection with any of the purposes mentioned in this part to sink drive make maintain and use in the said lands and pits shafts inclines drifts levels waterways airways and other works (and to use maintain deepen or extend any existing works of the like nature in the said lands).

To bring and use machinery equipment etc.

3. Liberty and power for or in connection with any of the purposes mentioned in this part to erect construct maintain and use on or under the said lands any engines machinery plant dressing floors furnaces coke ovens brick-kilns workshops store-houses bungalows godowns sheds and other buildings and other works and conveniences of the like nature on or under the said lands.

To make roads and ways etc. and use existing roads and ways

4. Liberty and power for or in connection with any of the purposes mentioned in this part to make any tramways, railways, roads, aircraft landing grounds and other ways in or over the said lands and to use maintain and go, and repass with or without horses cattle wagons aircrafts locomotives or other vehicles over the same (or any existing tramways railways roads and other ways in or over the said lands) on such conditions as may be agreed to.

To get building and road materials, etc.

5. Liberty and power for or in connection with any of the purposes mentioned in this part to quarry and get stone gravel and other building and road materials and clay and to use and employ the same and to manufacture such clay into bricks or tiles and to use such bricks or tiles but not to sell any such material bricks or tiles.

To use water from streams etc.

6. Liberty and power for or in connection with any of the purposes mentioned in this part but subject to the rights of any existing or future lessees and with the written permission of Deputy Commissioner/Collector to appropriate and use water from any streams water-courses, springs or other sources in or upon the said lands and to divert step up or dam any such stream or water course and collect or impound any such water and to make construct and maintain any water-course culverts drains or reservoirs but not as so to deprive any cultivated lands, villages, buildings or watering places for livestock of a reasonable supply of water as before accustomed nor in any way to foul or pollute any stream or springs. Provided that the lessee/lessees shall not interfere with the navigation in any navigable stream nor shall divert such stream without the previous written permission of the State Government.

To use land for stacking heaping depositing purposes

7. Liberty and power to enter upon and use a sufficient part of the surface of the said lands for the purpose of stacking heaping storing or depositing therein any produce of the mines or works carried on and any tools equipment earth

and materials and substances dug or raised under the liberties and powers mentioned in this part.

Beneficiation and conveying away of production

8. (a) Liberty and power to enter upon and use a sufficient part of the said lands to beneficiate any ore produced from the said lands and to carry away such beneficiated ore.

To make coke. (To be used in case of coal only)

(b) Liberty and power upon the said lands to convert into coke any coal or coal dust produced from the said lands and to carry away such coke.

To clear brushwood and to fell and utilise trees, etc.

9. Liberty and power for or in connection with any of the purposes mentioned in this part and subject to the existing rights of others and save as provided in clause 3 of Part III of this Schedule to clear undergrowth and brushwood and to fell and utilise any trees or timber standing or found on the said lands provided that the State Government may ask the lessee/lessees to pay for any trees or timber felled and utilised, by him/them at the rates specified by the Deputy Commissioner/Collector or the State Government.

PART III

RESTRICTIONS AND CONDITIONS AS TO THE EXERCISE OF THE LIBERTIES POWERS AND PRIVILEGES IN PART II

No building etc. upon certain places

1. No building or thing shall be erected set up or placed and no surface operation shall be carried on in or upon any public pleasure ground burning or burial ground or place held sacred by any class of persons or any house or village site public road or other place which the State Government may determine as public ground nor in such a manner as to injure or prejudicially effect any buildings works property or rights of other persons and no land shall be used for surface operations which is already occupied by persons other than the State Government for work or purposes not included in this lease. The lessee/lessees shall not also interfere with any right of way, well or tank.

Permission for surface operations in a land not already in use

2. Before using for surface operations any land which has not already been used for such operations, the lessee/lessees shall give to Deputy Commissioner/Collector of the District two calendar months previous notice in writing specifying the name or other description of the situation and the extent of the land proposed to be so used and the purpose for which the same is required and the said land shall not be so used if objection is issued by the Deputy Commissioner/Collector within two months after the receipt by him of such notice unless the objections so stated shall on reference to the State Government be annulled or waived.

To cut trees in unreserved lands

3. The lessee/lessees shall not without the express sanction of the Deputy Commissioner/Collector cut down or injure any timber or trees on the said lands but may without such sanction clear away any brushwood or undergrowth which interferes with any operations authorised by these presents. The Deputy Commissioner/Collector or the State Government may require the lessee/lessees to pay for any trees or timber felled and utilised by him/them at the rates specified by the Deputy Commissioner/Collector of the District.

To enter upon reserved forests

4. Notwithstanding any thing in this Schedule contained the lessee/lessees shall not enter upon any reserved forest included in the said lands without previous sanction in writing of the District Forest Officer nor fell cut and use any timber or trees without obtaining the sanction in writing of that Officer nor otherwise than in accordance with such conditions as the State Government may prescribe.

No mining operations within 50 metres of public works etc.

5. The lessee/lessees shall not work or carry on or allow to be worked or carried on any mining operations at or to any point within a distance of 50 metres from any railway line except with the previous written permission of the

Railway Administration concerned or from any reservoir, canal or other public works such as public roads and buildings or inhabited site except with the previous written permission of the Deputy Commissioner/Collector or any other Officer authorised by the State Government in this behalf and otherwise than in accordance with such instructions restrictions and conditions either general or special which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in case of a building horizontally from the plinth thereof. In the case of village roads no working shall be carried on within a distance of 10 metres of the outer edge of the cutting except with the previous permission of the Deputy Commissioner/Collector or any other officer duly authorised by the State Government in this behalf and otherwise than in accordance with such directions, restrictions and additions, either general or special, which may be attached to such permission.

Explanation.—For the purposes of this clause the expression 'Railway Administration' shall have the same meaning as it is defined to have in the Indian Railway Act, 1890, by Section 3 of sub-section (4) of that Act. 'Public Road' shall mean a road which has been constructed by artificially surfaced as distinct from a track resulting from repeated use. Village road will include any track shown in the Revenue record as village road.

Facilities for adjoining Government licenses and leases

6. The lessee/lessees shall allow existing and future holders of Government licenses or leases over any land which is comprised in or adjoins or is reached by the land held by the lessee/lessees reasonable facilities of access thereto.

Provided that no substantial hindrance or interference shall be caused by such holders of licences or leases to the operations of the lessee/lessees under these presents and fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be made to the lessee/lessees for all loss or damage sustained by the lessee/lessees by reason of the exercise of this liberty.

PART IV

LIBERTIES POWER AND PRIVILEGES RESERVED TO THE STATE GOVERNMENT

To work other minerals

1. Liberty and power for the State Government or to any lessee or persons authorised by it in that behalf to enter into and upon the said lands and to search for win work dig get raise dress process convert and carry away minerals other than the said minerals and any other substances and for those purposes to sink drive make erect construct maintain and use such pits shafts inclines drifts levels and other lines waterways airways water courses drains reservoirs engines machinery plant buildings canals tramways railways roadways and other works and conveniences as may be deemed necessary or convenient.

Provided that in the exercise of such liberty and power no substantial hindrance or interference shall be caused to or with the liberties powers and privileges of the lessee/lessees under these presents and that fair compensation (as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government) shall be made to the lessee/lessees for all loss or damage sustained by the lessee/lessees by reason or in consequence of the exercise of such liberty and power.

To make railways and roads

2. Liberty and power for the State Government or any lessee or person authorised by it in that behalf to enter into and upon the said lands and to make upon over or through the same any railways, tramways roadways or pipelines for any purpose other than those mentioned in Part II of these presents and to get from the said lands stones gravel earth and other materials for making maintaining and repairing such railways, tramways and roads or any existing railways and roads and to go and repass at all times with or without horses, cattle or other animals, carts, wagons, carriages, locomotives or other vehicles over or along any such railways, tramways, roads lines and other ways for all purposes and as occasion may require, provided that in the exercise of such liberty and power by such other lessee or person no substantial hindrance or interference shall be caused to or with the liberties powers and privileges of the lessee/lessees under these presents and that fair compensation as may be mutually agreed upon or in the event of disagreement as may be decided by the State Government shall be made to the lessee/lessees for all loss or damage sustained by the lessee/lessees by reason or in consequence of the exercise by such lessee or person of such liberty and power.

PART V

RENTS AND ROYALTIES RESERVED BY THIS LEASE

To pay dead rent or royalty whichever is greater

1. The lessee shall pay, for every year, except the first year of the lease yearly dead rent as specified in clause 2 of this Part in respect of each mineral.

Provided that the lessee shall be liable to pay the dead rent or royalty in respect of each mineral whichever is higher in amount but not both.

Rate and mode of payment of dead rent

2. Subject to the provisions of clause 1 of this Part, during the subsistence of the lease, the lessee/lessees shall pay to the State Government annual dead rent at the following rate/rates or at such revised rate/rates which may be communicated in writing to the lessee/lessees by the State Government per mineral per hectare of the lands demised and described in Part I of this Schedule:—

Name of mineral	Dead rent Area of fixed per demised hectare land	Dead rent payable	Total dead rent payable in a year
1.			
2.			
3.			

(Here insert the manner in which and the time at which the dead rent, surface rent and water rate should be paid).

Rate and mode of payment of royalty

3. Subject to the provision of clause 1 of this Part, the lessee/lessees shall during the subsistence of this lease pay to the State Government at such times and in such manner as the State Government may prescribe royalty in respect of any mineral/minerals removed by him/them from the leased area at the rate for the time being specified in the Second Schedule to the Mines and Minerals (Regulation and Development) Act, 1957.

Payment of surface rent, and water rate

4. The lessee/lessees shall pay rent and water rate to the State Government in respect of all parts of the surface of the said lands which shall from time to time be occupied or used by the lessee/lessees under the authority of these presents at the rate of Rs. and Rs. respectively per annum per hectare of the area so occupied or used and so in proportion for any area less than a hectare during the period from the commencement of such occupation or use until the area shall cease to be so occupied or used and shall as far as possible restore the surface land so used to its original condition. Surface rent and water rate shall be paid as hereinbefore detailed in clause 2 PROVIDED THAT NO such rent/water rate shall be payable in respect of the occupation and use of the area comprised in any roads or ways to which the public have full right of access.

PART VI

PROVISIONS RELATING TO THE RENTS AND ROYALTIES

Rent and Royalties to be free from deduction, etc.

1. The rent, water rate and royalties mentioned in Part V of this Schedule shall be paid free from any deductions to the State Government at and in such manner as the State Government may prescribe PROVIDED ALWAYS and it is hereby agreed that Rs. the balance standing to the credit of the lessee/lessees on account of the deposit made by him/them as a licensee/licensees over an area which included the said lands shall be retained and accepted by the State Government in satisfaction of the rents and royalties mentioned in Part V until they reach that amount.

Mode of computation of royalty

2. For the purposes of computing the said royalties the lessee/lessees shall keep a correct account of the mineral/minerals produced and despatched. The accounts as well as the weight of the mineral/minerals in stock or in the process of export may be checked by an officer authorised by the Central or State Government.

Here specify the mode of arriving at sale price/prices at pits mouth of mineral/minerals.

Course of action if rents and royalties are not paid in time

3. Should any rent, royalty or other sums due to the State Government under the terms and conditions of these presents be not paid by the lessee/lessees within the prescribed time, the same may be recovered on a certificate of such officer as may be specified by the State Government by general or special order, in the same manner as an arrear of land revenue.

PART VII

THE COVENANTS OF THE LESSEE/LESSEES

Lessee to pay rents and royalties, taxes, etc.

1. The lessee/lessees shall pay the rent, water rate and royalties reserved by this lease at such times and in the manner provided in PARTS V and VI of these presents and shall also pay and discharge all taxes, rates, assessments and impositions whatsoever being in the nature of public demands which shall from time to time be charged, assessed or imposed by the authority of the Central and State Governments upon or in respect of the premises and works of the lessee/lessees in common with other premises and works of a like nature except demands for land revenues.

To maintain and keep boundary marks in good order

2. The lessee/lessees shall at his/ their own expense erect and at all times maintain and keep in repair boundary marks and pillars according to the demarcation to be shown in the plan annexed to this lease. Such marks and pillars shall be sufficiently clear of the shrubs and other obstructions as to allow easy identification.

To commence operations within a year and work in a workman-like manner

3. Unless the State Government for good cause permits otherwise, the lessee/lessees shall commence operation within one year from the date of execution of the lease and shall thereafter at all times during the continuance of this lease search for, win, work and develop the said minerals without voluntary intermission in a skilful and workman-like manner and as prescribed under clause 12 hereinafter without doing or permitting to be done any unnecessary or avoidable damage to the surface of the said lands or the crops buildings structures or other property thereon. For the purposes of this clause operations shall include the erection of machinery laying of a tramway or construction of a road in connection with the mine.

To indemnify Government against all claims

4. The lessee/lessees shall make and pay such reasonable satisfaction and compensation as may be assessed by lawful authority in accordance with the law in force on the subject for all damage, injury or disturbance which may be done by him/them in exercise of the powers granted by this lease and shall indemnify and keep indemnified fully and completely the State Government against all claims which may be made by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.

To secure and keep in good condition pits, shafts, etc.

5. The lessee/lessees shall during the subsistence of this lease well and sufficiently secure and keep open with timber or other durable means all pits shaft and workings, that may be made or used in the such lands and make and maintain sufficient fences to the satisfaction of the State Government round every such pit shaft or working whether the same is abandoned or not and shall during the same period keep all workings in the said lands except such as may be abandoned accessible free from water and foul air as far as possible.

To strengthen and support the mine to necessary extent

6. The lessee/lessees shall strengthen and support to the satisfaction of the Railway Administration concerned or the State Government, as the case may be any part of the mine which in its opinion requires such strengthening or support for the safety of any railway, reservoir, canal road and any other public works or structures.

To allow inspection of workings

7. The lessee/lessees shall allow any officer authorised by the Central Government or the State Government in that behalf to enter upon the premises including any building excavation or land comprised in the lease for the purpose of inspecting examining surveying and making plans thereof sampling and collecting any data and the lessee/lessees shall with proper person employed by the lessee/lessees and acquainted with the mines and work effectually assist such officer, agents, servants and workmen in conducting every such inspection and shall afford them all facilities information connected with the working of the mines which they may reasonably require and also shall and will conform to and observe all orders and regulations which the Central and State Governments as the result of such inspection or otherwise may from time to time see fit to impose.

To report accidents

8. The lessee/lessees shall without delay send to the Deputy Commissioner/Collector a report of any accident causing death or serious bodily injury or serious injury to property or seriously affecting or endangering life or property which may occur in the course of the operations under this lease.

To report discovery of other minerals

9. The lessee/lessees shall report to the State Government the discovery in the leased area of any mineral not specified in the lease within sixty days of such discovery along with full particulars of the nature and position of each such find. If any mineral not specified in the lease is discovered in the leased area, the lessee/lessees shall not win and dispose of such mineral unless such mineral is included in the lease or a separate lease is obtained therefor.

To keep records and accounts regarding production and employees, etc.

10. The lessee/lessees shall at all time during the said term keep or cause to be kept at an office to be situated upon or near the said lands correct and intelligible books of accounts which shall contain accurate entries showing from time to time:—

- (1) Quantity and quality of the said mineral/minerals realised from the said lands.
- (2) Quantity of the various qualities of ores beneficiated or converted (for example coal converted into coke).
- (3) Quantities of the various qualities of the said mineral/minerals sold and exported separately.
- (4) Quantities of the various qualities of the said mineral/minerals otherwise disposed of and the manner and purpose of such disposal.
- (5) The prices and all other particulars of all sales of said mineral/minerals.
- (6) The number of persons employed in the mines or works or upon the said lands specifying nationality, qualifications and pay of the technical personnel.
- (7) Such other facts, particulars and circumstances as the Central or the State Governments may from time to time require and shall also furnish free of charge to such officers and at such times as the Central and State Governments may appoint true and correct abstract of all or any such books of accounts and such information and returns to all or any of the matters aforesaid as the State Government may prescribe and shall at all reasonable times allow such officers as the Central Government or State Government shall in that behalf appoint to enter into and have free access to the said officers for the purpose of examining and inspecting the said books of accounts plans and records and to make copies thereof and make extracts therefrom.

To maintain plans, etc.

11. The lessee/lessces shall at all times during the said term maintain at the mine office correct intelligible up-to-date and complete plans and sections of the mines in the said lands. They shall show all the operations, and workings and all the trenches, pits and drillings made by him/them in the course of operations carried on by him/them under the lease, faults and other disturbances encountered and geological data and all such plans and sections shall be amended and filled up by and from actual surveys to be made for that purpose at the

end of twelve months or any period specified from time to time and the lessee/lessees shall furnish free of charge to the Central and State Governments true and correct copies of such plans and sections whenever required. Accurate records of all trenches, pits and drillings shall show:—

- (a) The subsoil and strata through which they pass.
- (b) Any mineral encountered.
- (c) Any other matter of interest and all data required by the Central and State Governments from time to time.

The lessee/lessees shall allow any officer of the Central or the State Government, authorised in this behalf by the Central Government, to inspect the same at all reasonable times. He/they shall also supply when asked for by the State Government/the Coal Controller/the Director, Geological Survey of India/the Director, Indian Bureau of Mines, a composite plan of the area showing thickness, dip, inclination etc. of all the seams as also the quantity of reserves quality-wise.

Act 67 of 1957

12. The lessee/lessees shall be bound by such rules as may be issued from time to time by the Government of India under Section 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act 67 of 1957) and shall not carry on mining or other operations under the said lease in any way other than as prescribed under these rules.

To provide weighing machine

13. Unless specifically exempted by the State Government the lessee/lessees shall provide and at all times keep at or near the pit head or each of the pit heads at which the said minerals shall be brought to bank a properly constructed and efficient weighing machine and shall weigh or cause to be weighed thereon all the said minerals from time to time brought to bank sold exported and converted and also the converted products and shall at the close of each day cause the total weights, ascertained by such means of the said minerals, ores products raised sold exported and converted during the previous twenty-four hours to be entered in the aforesaid books of accounts. The lessee/lessees shall permit the State Government at all times during the said term to employ any person or persons to be present at the weighing of the said minerals as aforesaid and to keep accounts thereof and to check the accounts kept by the lessee/lessees. The lessee/lessees shall give.....days previous notice in writing to the Deputy Commissioner/Collector of every such measuring or weighing in order that he or some officer on his behalf may be present thereat.

To allow test of weighing machine

14. The lessee/lessees shall allow any person or persons appointed in that behalf by the State Government at any time or times during the said term to examine and test every weighing machine to be provided and kept as aforesaid and the weights used therewith in order to ascertain whether the same respectively are correct and in good repair and order and if upon any such examination or testing any such weighing machine or weights shall be found incorrect or out of repair or order the State Government may require that the same be adjusted, repaired and put in order by and at the expense of the lessee/lessees and if such requisition be not complied with within fourteen days after the same shall have been made, the State Government may cause such weighing machine or weights to be adjusted, repaired, and put in order and the expense of so doing shall be paid by the lessee/lessees to the State Government on demand and if upon any such examination or testing as aforesaid any error shall be discovered in any weighing machine or weights to the prejudice of the State Government such error shall be regarded as having existed for three calendar months previous to the discovery thereof or from the last occasion of so examining and testing the same weighing machine and weights in case such occasion shall be within such period of three months and the said rent and royalty shall be paid and accounted for accordingly.

To pay compensation for injury of third parties

15. The lessee/lessees shall make and pay reasonable satisfaction and compensation for all damage injury or disturbance or person or property which may be done by or on the part of lessee/lessees in exercise of the liberties and power granted by these presents and shall at all times save harmless and keep indemnified the State Government from and against all suits claims and demands which may be brought or made by any person or persons in respect of any such damage injury or disturbance.

Not to obstruct working of other minerals

16. The lessee/lessees will exercise the liberties and powers hereby granted in such a manner as to offer no unnecessary or reasonably avoidable obstruction or interruption to the development and working within the said lands of any minerals not included in this lease and shall at all times afford to the Central and State Government and to the holders of prospecting licenses or mining leases in respect of any such minerals or any minerals within any land adjacent to the said lands as the case may be reasonable means of access and safe and convenient passage upon and across the said lands to such minerals for the purpose of getting working developing and carrying away the same provided that the lessee/lessees shall receive reasonable compensation for any damage or injury which he/they may sustain by reason or in consequence of the use of such passage by such lessees or holders of prospecting licences.

Transfer of lease

17. (1) The lessee/lessees shall not, without the previous consent in writing of the State Government, which in the case of a mining lease in respect of any mineral specified in the First Schedule to the Act shall not be given except after previous approval of the Central Government—

(a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein, or

(b) enter into or make any arrangement, contract or understanding whereby the lessee/lessees will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee/lessees.

(2) Without prejudice to the above provisions, the lessee/lessees may, subject to the conditions specified in the proviso to rule 35, of said Rules transfer this lease or any right, title or interest therein, to a person holding a certificate of approval and an income-tax clearance certificate from the Income-tax Officer concerned, on payment of a fee of rupees one hundred to the State Government:

Provided that the lessee/lessees shall make available to the transferee the original or certified copies of all plans of abandoned workings in the area and in a belt 65 metres wide surrounding it.

(3) The State Government, may, by order in writing, determine the lease at any time if the lessee/lessees has/have in the opinion of the State Government, committed a breach of any of the above provision or has/have transferred the lease or any right, title or interest therein otherwise than in accordance with clause (2):

Provided that no such order shall be made without giving the lessee/lessees a reasonable opportunity of stating his/their case.

Not to be financed or controlled by a Trust Corporation firm or person

18. The lease shall not be controlled and the lessee/lessees shall not allow themselves to be controlled by any Trust, Syndicate, Corporation, Firm or person except with the written consent of the Central Government. The lessee/lessees shall not enter into or make any arrangement compact or understanding whereby the lessee/lessees will or may be directly or indirectly financed by or under which the lessee's/lessees' operations or undertakings will or may be carried on directly or indirectly by or for the benefit of or subject to the control of any Trust, Syndicate, Corporation, Firm or person unless with the written sanction given prior to such arrangement compact or understanding being entered into or made of the Central Government and any or every such arrangement compact or understanding as aforesaid (entered into or made with such sanction as aforesaid) shall only be entered into or made and shall always be subject to an express condition binding upon the other party or parties thereto that on the occasion of a state of emergency of which the President of India in his discretion shall be the sole judge it shall be terminable if so required in writing by the State Government and shall in the event of any such requisition being made be forthwith thereafter determine by the lessee/lessees accordingly.

Lessee shall deposit any additional amount necessary

19. Whenever the security deposit of Rs. 1,000/500 or any part thereof or any further sum hereafter deposited with the State Government in replenishment thereof shall be forfeited or applied by the Central or State Government pursuant to the power in hereinafter declared in that behalf the lessee/lessees shall

deposit with the State Government such further sum as may be sufficient with the unappropriated part thereof to bring the amount in deposit with the State Government up to the sum of Rs. 1,000/500.

Delivery of workings in good order to State Governments after determination of lease

20. The lessee/lessees shall at the expiration or sooner determination of the said term or any renewal thereof deliver up to the State Government all mines, pits shafts inclines drifts levels waterways, airways and other works now existing or hereafter to be sunk or made on or under the said lands except such as have been abandoned with the sanction of the State Government and in any ordinary and fair course of working all engines machinery plant buildings structures other works and conveniences which at the commencement of the said term were upon or under the said lands and all such machinery set up by the lessee/lessees below ground which cannot be removed without causing injury to the mines or works under the said lands (except such of the same as may with the sanction of the State Government have become disused) and all buildings and structures of bricks or stone erected by the lessee/lessees above ground level in good repair order and condition and fit in all respects for further working of the said mines and the said minerals.

Right of pre-emption

21. (a) The State Government shall from time to time and all times during the said term have the right (to be exercised by notice in writing to the lessee/lessees) of pre-emption of the said minerals (and all products thereof) lying in or upon the said lands hereby demised or elsewhere under the control of the lessee/lessees and the lessee/lessees shall with all possible expedition deliver all minerals or products or minerals purchased by the State Government under the power conferred by this provision in the quantities at the times in the manner and at the place specified in the notice exercising the said right.

(b) Should the right of pre-emption conferred by this present provision be exercised and a vessel chartered to carry the minerals or products thereof procured on behalf of the State Government or the Central Government be detained on demurrage at the port of loading the lessee/lessees shall pay the amount due for demurrage according to the terms of the charter party of such vessel unless the State Government shall be satisfied that the delay is due to causes beyond the control of the lessee/lessees.

(c) The price to be paid for all minerals or products of minerals taken in pre-emption by the State Government in exercise of the right hereby conferred shall be the fair market price prevailing at the time of pre-emption. PROVIDED THAT in order to assist in arriving at the said fair market price the lessee/lessees shall if so required furnish to the State Government for the confidential information of the Government particulars of the quantities descriptions and prices of the said minerals or products thereof sold to other customers and of charters entered into for freight for carriage of the same and shall produce to such officer or officers as may be directed by the State Government original or authenticated copies of contracts and charter parties entered into for the sale or freightage of such minerals or products.

(d) In the event of the existence of a state of war or emergency (of which existence the President of India shall be the sole judge and a notification to this effect in the Gazette of India shall be conclusive proof), the State Government with the consent of the Central Government shall from time to time and all times during the said term have the right (to be exercised by a notice in writing to the lessee/lessees) forthwith take possession and control of the works plant machinery and premises of the lessee/lessees on or in connection with the said lands or operations under this lease and during such possession or control the lessee/lessees shall conform to and obey all directions given by or on behalf of the Central Government or State Government regarding the use or employment of such works plants premises and minerals. PROVIDED THAT fair compensation which shall be determined in default of agreement by the State Government shall be paid to the lessee/lessees for all loss or damage sustained by him/them by reason or in consequence of the exercise of the powers conferred by this clause and PROVIDED ALSO that the exercise of such powers shall not determine the said term hereby granted or affect the terms and provisions of these presents further than may be necessary to give effect to the provisions of this clause.

Employment of foreign national

22. The lessee/lessees shall not employ, in connection with the mining operations any person who is not an Indian national except with the previous approval of the Central Government.

Recovery of expenses incurred by the State Government

23. If any of the works or matters which in accordance with the covenants in that behalf hereinbefore contained are to be carried out or performed by the lessee/lessees be not so carried out or performed within the time specified in that behalf, the State Government may cause the same to be carried out or performed and the lessee/lessees shall pay the State Government on demand all expenses which shall be incurred in such carrying out or performance of the same and the decision of the State Government as to such expenses shall be final.

Furnishing of geophysical data

24. The lessee/lessees shall furnish:

- (a) all geophysical data relating to mining fields or engineering and ground water surveys, such as anomaly maps, sections, plans, structures, contour maps, logging, collected by him/them during the course of mining operations to the Director, Geological Survey of India, Calcutta.
- (b) all information pertaining to investigations of radio active minerals collected by him/them during course of mining operations to the Secretary, Department of Atomic Energy, New Delhi.

Data or information referred to above shall be furnished every year reckoned from the date of commencement of the period of the mining lease.

PART VIII

THE COVENANTS OF THE STATE GOVERNMENT

Lessee/lessees may hold and enjoy rights quietly

1. The lessee/lessees paying the rents, water rate and royalties hereby reserved and observing and performing all the covenants and agreements herein contained and on the part of the lessee/lessees to be observed and performed shall and may quietly hold and enjoy the rights and premises hereby demised for and during the term hereby granted without any unlawful interruption from or by the State Government, or any person rightfully claiming under it.

Acquisition of land of third parties and compensation thereof

2. If in accordance with the provision of Clause 4 of Part VII of this Schedule the lessee/lessees shall offer to pay to an occupier of the surface of any part of the said lands compensation for any damage or injury which may arise from the proposed operations of the lessee/lessees and the said occupier shall refuse his consent to the exercise of the right and powers reserved to the State Government and demised to the lessee/lessees by these presents and the lessee/lessees shall report the matter to the State Government and shall deposit with it the amount offered as compensation and if the Central/State Government are satisfied that the amount of compensation offered is fair and reasonable or if it is not so satisfied and the lessee/lessees shall have deposited with it such further amount as the State and Central Governments shall consider fair and reasonable the State Government shall order the occupier to allow the lessee/lessees to enter the land and to carry out such operations as may be necessary for the purpose of this lease. In assessing the amount of such compensation the State Government shall be guided by the principles of the Land Acquisition Act.

To renew

3. Where the mining lease relates to any mineral not specified in the First Schedule to the Act it shall be renewable for one period not exceeding the period specified in sub-section (2) of section 8, at the option of the lessee/lessees:

Provided that the State Government may for reasons to be recorded in writing reduce the area applied for.

If the lease is in respect of minerals specified in the First Schedule to the Act, renewal will be subject to the prior approval of the Central Government.

If the lessee/lessees be desirous of taking a renewed lease of the premises hereby demised or of any part or parts of them for a further term from the expiration of the term hereby granted and is otherwise eligible, he/they shall prior to the expiration of the last mentioned term give to the State Government six calendar months previous notice in writing and shall pay the rents, rates and royalties hereby reserved and shall observe and perform the several covenants and agreements herein contained and on the part of the lessee/lessees to be observed and performed up to the expiration of the term hereby granted. The State Government on receipt of application for renewal, shall consider it in accordance with rule 28 of the said rules and shall pass orders as it deems fit. If renewal is granted, the State Government will at the expense of the lessee/lessees and upon his executing and delivering to the State Government if required a counterpart thereof execute and deliver to the lessee/lessees a renewed lease of the said premises or part thereof for the further term of.....years at such rents, rates and royalties and on such terms and subject to such rents, rates and royalties and on such terms and subject to such covenants and agreements, including this present covenant to renew as shall be in accordance with the Mineral Concession Rules, 1960, applicable to..... (name of minerals) on the day next following the expiration of the term hereby granted.

Liberty to determine the lease

4. The lessee/lessees may at any time determine this lease by giving not less than 12 calendar months notice in writing to the State Government or to such officer, or authority as the State Government may specify in this behalf and upon the expiration of such notice provided that the lessee/lessees shall upon such expiration render and pay all rents, water rates, royalties, compensation for damages and other moneys which may then be due and payable under these presents to the lessor or any other person or persons and shall deliver these presents to the State Government then this lease and the said term and the liberties, powers and privileges hereby granted shall absolutely cease and determine but without prejudice to any right or remedy of the lessor in respect of any breach of any of the covenants or agreements contained in these presents.

Refund of security deposits

5. On such date as the State Government may elect within 12 calendar months after the determination of this lease or of any renewal thereof, the amount of the security deposit paid in respect of this lease and then remaining in deposit with the State Government and not required to be applied to any of the purposes mentioned in this lease shall be refunded to the lessee/lessees. No interest shall run on the security deposit.

PART IX

GENERAL PROVISIONS

Obstructions to inspection

1. In case the lessee/lessees or his/their transferee/assignee does/do not allow entry or inspection by the officers authorised by the Central or State Government under clauses (i), (j) or (l) of sub-rule (1) of rule 27 of said Rules, the State Government shall give notice in writing to the lessee/lessees requiring him/them to show cause within such time as may be specified in the notice why the lease should not be determined and his/their security deposit forfeited; and if the lessee/lessees fails/fail to show cause within the aforesaid time to the satisfaction of the State Government, the State Government may determine the lease and forfeit the whole or part of the security deposit.

Penalty in case of default in payment of royalty and breach of covenants

2. If the lessee/lessees or his/their transferee or assignee makes/make any default in payment of rent or water rate or royalty as required by section 9 of the Act or commits a breach of any of the conditions and covenants other than those referred to in clause (i) above, the State Government shall give notice to the lessee/lessees requiring him/them to pay the rent, water rate, royalty or remedy the breach, as the case may be, within sixty days from the date of receipt of the notice and if the rent, water rate and royalty are not paid or the breach is not remedied within such period, the State Government may without prejudice to any proceedings that may be taken against him/them, determine the lease and forfeit the whole or part of the security deposit.

Penalty for repeated breaches of covenants

3. In cases of repeated breaches of covenants and agreements by the lessee/lessees for which notice has been given by the State Government in accordance

with clauses (1) and (2) aforementioned on earlier occasion, the State Government without giving any further notice, may impose such penalty not exceeding twice the amount of annual dead rent specified in clause 2, Part V.

Failure to fulfil the terms of leases due to "Force Majeure"

4. Failure on the part of the lessee/lessees to fulfil any of the terms and conditions of this lease shall not give the Central or State Government any claim against the lessee/lessees or be deemed a breach of this lease, in so far as such failure is considered by the said Government to arise from *force majeure*, and if through *force majeure* the fulfilment by the lessee/lessees of any of the terms and conditions of this lease be delayed, the period of such delay shall be added to the period fixed by this lease. In this clause the expression "Force Majeure" means Act of God, war, insurrection, riot, civil commotion, strike, tide, storm, tidal wave, flood, lightning, explosion, fire, earthquake and any other happening which the lessee/lessees could not reasonably prevent or control.

Lessee/lessees to move his/their properties on the expiry of lease

5. The lessee/lessees having first paid and discharged the rents, rates and royalties payable by virtue of these presents may at the expiration or sooner determination of the said term or within six calendar months thereafter (unless the lease shall be determined under clauses 1 and 2 of this Part and in that case at any time not less than three calendar months nor more than six calendar months after such determination) take down and remove for his/their own benefit all or any engines machinery plant buildings structures tramways railways and other works erections and conveniences which may have been erected set up or placed by the lessee/lessees in or upon the said lands and which the lessee/lessees is/are not bound to deliver to the State Government under clause 20 of Part VII of this Schedule and which the State Government shall not desire to purchase.

Forfeiture of property left more than six months after determination of lease

6. If at the end of six calendar months after the expiration or sooner determination of the said term under the provision contained in Clause 4 of Part VIII of this Schedule become effective there shall remain in or upon the said land any engines machinery plant buildings structures tramways railways and other work erections and conveniences or other property which are not required by the lessee/lessees in connection with operations in any other lands held by him/them under prospecting licence or mining lease the same shall if not removed by the lessee/lessees within one calendar month after notice in writing requiring their removal has been given to the lessee/lessees by the State Government be deemed to become the property of the State Government and may be sold or disposed of in such manner as the State Government shall deem fit without liability to pay any compensation or to account to the lessee/lessees in respect thereof.

Notices

7. Every notice by these presents required to be given to the lessee/lessees shall be given in writing to such person resident on the said lands as the lessee/lessees may appoint for the purpose of receiving such notices and if there shall have been no such appointment then every such notice shall be sent to the lessee/lessees by registered post addressed to the lessee/lessees at the address recorded in this lease or at such other address in India as the lessee/lessees may from time to time in writing to the State Government designate for the receipt of notices and every such service shall be deemed to be proper and valid service upon the lessee/lessees and shall not be questioned or challenged by him.

Immunity of State Government from liability to pay compensation

8. If in any event the orders of the State Government are revised, reviewed or cancelled by the Central Government in pursuance of proceedings under Chapter VII of the Mineral Concession Rules, 1960, the lessee/lessees shall not be entitled to compensation for any loss sustained by the lessee/lessees in exercise of the powers and privileges conferred upon him/them by these presents.

9. For the purpose of stamp duty the anticipation royalty from the demised land is Rs.....per year.

IN WITNESS WHEREOF these present have been executed in the manner hereunder appearing the day and year first above written.

Signed by
for and on behalf of the
Governor/President of India
in the presence of

FORM L

REGISTER OF APPLICATIONS FOR MINING LEASES

[See rule 40(1)]

1. Serial No.
2. Date of application for mining lease.
3. Date on which application was received by the Receiving Officer.
4. Name of the applicant with full address.
5. Situation and boundaries of the land applied for.
6. Estimated area of the land.
7. Particulars of minerals which the applicant desires to mine.
8. Particulars of the prospecting licence if the area applied for is covered by it.
9. Application fee paid and preliminary expenses deposited.
10. Final disposal of the application together with number and date of the order.
11. Remarks.
12. Signature of the officer.

FORM M

REGISTER OF MINING LEASES

[See rule 40(2)]

1. Serial No.
2. Name of the lessee.
3. Residence with complete address of lessee.
4. Date of application.
5. Date on which application was received by Receiving Officer.
6. (a) Number and date of grant of lease.
(b) Date of execution of mining lease.
7. Number and date of certificate of approval held by the lessee at the time of grant.
8. Situation and boundaries of the land.
9. Total area for which lease has been granted.
10. Mineral or minerals for which lease originally granted.
11. Mineral or minerals added to the mining lease with date.
12. Period for which granted.
13. Date and period of renewal.
14. Date of change together with details of change that take place in name, nationality or other particulars of the holder of mining lease.
15. Date of assignment or transfer of the lease, if any, and the name and address of the assignee/transferee.
16. Date of expiry or relinquishment or cancellation.
17. Date from which the area is available for regrant.
18. Remarks.
19. Signature of the officer.

FORM N

"To be submitted in triplicate"

MODEL FORM OF APPLICATION FOR REVISION
(See rule 54)

1. Name and address of individual/s firm or company applying.
2. Profession of individual/s or nature of business.
3. No. and date of the order of the State Government against which the revision application is filed (copy attached).
4. No. and date of the grant or renewal of the certificate of approval (copy attached).
5. Mineral or minerals for which the revision application is filed.
6. Details of the area in respect of which the revision application is filed.

District	Taluk	Village	Khasra No.
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Total area claimed.

[A map or plan of the area(s) to be attached].

7. Whether application fee of Rs. 100/- has been deposited in the manner prescribed in sub-rule (1) of rule 54 of the Mineral Concession Rules, 1960? If so, treasury receipt in original should be attached.

8. Whether the revision application has been filed within two months of the date of communication of the order passed by the State Government.

9. If not, the reasons for not presenting it within the prescribed limit as provided for in proviso to sub-rule (1) of rule 54 of the Mineral Concession Rules, 1960.

10. Name and complete address of the party/parties impleaded [sub-rule (2) of rule 54].

11. *Number of copies of petition attached [sub-rule (3) of rule 54].

12. Grounds of revision.

13. If the revision application has been filed by the holder of Power of Attorney, the Power of Attorney to be attached.

Yours faithfully,

Signature and designation of the applicant.

Place

Date

SCHEDULE II

[See rule 9(2)(a)]

Application Fee for Prospecting Licence

Ist square kilometre or part thereof	Rs. 20/-
for each additional square kilometre or part thereof	Rs. 4/-

SCHEDULE II

Maximum Quantities of Ores and Minerals removable free of Royalty

[See rule 14(1) (ii) (c)]

Class 1	Auriferous rock and gravel containing no visible gold	2 tonnes
Class 2	Metalliferous ores meant for extracting aluminium, iron and manganese	10 tonnes

*Revision petition is to be submitted in triplicate if no party is impleaded. Besides these, for each party impleading one additional copy is to be enclosed.

Class 3	Metalliferous ores meant for extracting antimony, arsenic, bismuth, chromium, copper, lead, nickel, tin, titanium, tungsten and zinc	5 tonnes
Class 4	Metalliferous ores meant for extracting cadmium, cobalt, mercury, molybdenum, silver, hafnium and vanadium	2 tonnes
Class 5	Compound ores containing the metals of class 4 in smaller quantities than those of class 3	5 tonnes
Class 6	Concentrates of the ores enumerated in classes 3 to 5	100 kgs.
Class 7	Minerals of the rare-earths groups	250 kgs.
Class 8	Gypsum lime-stone, iron pyrites, shales, and bauxite used for purposes other than aluminium making	5 tonnes
Class 9	Barytes, bitumen, bora, corundum, emery, grossularite, feldspar, fluor-spar and calcite	500 kgs.
Class 10	Asbestos, graphite, mica and native sulphur	50 kgs.
Class 11	Sillimanite, kyanite, magnesite, serpentine, steatite, vermiculite, fire-clay, kaolin and other refractory materials	5 tonnes
Class 12	Beryl	10 kgs.
Class 13	Coal, lignite	50 tonnes
Class 14	Uraniferous rock without visible uranium minerals	2 tonnes
Class 15	Uraniferous rock with visible uranium mineral	250 kgs.
Class 16	Uranium bearing minerals (including Uniferous columbite-Tantalite)	5 kgs.
Class 17	Columbite-Tantalite (Non-uriferous)	10 kgs.

SCHEDULE IV

Dead Rent

[See rule 27 (1) (c)]

	Per hectare	
	Minimum	Maximum
	Rs.	Rs.
1. Coal	2.50	12.50
2. Iron ore	2.50	12.50
3. Bauxite for extraction of aluminium	2.50	12.50
4. Mica	5.00	20.00
5. Gold, silver, platinum and other precious metals and precious stones	To be determined according to the circumstances of each case.	
6. All other minerals	12.50	25.00

[No. MII-159(1)/57.]

H. S. SAHNI, Under Secy.

MINISTRY OF FOOD & AGRICULTURE
(Department of Agriculture)

New Delhi, the 16th November 1960

G.S.R. 1399.—In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (2 of 1914), the Central Government hereby makes the following further amendment in the notification of the

Government of India in the late Department of Education Health and Lands No. 320-35A, dated the 20th July, 1936, namely:—

In the second proviso to paragraph 6 of the said notification, after the words "may be imported by sea or by air through the ports of Calcutta", the words "or Madras", shall be inserted.

[No. 16-6/60-PTS.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

New Delhi, the 17th November 1960

G.S.R. 1400.—In exercise of the powers conferred by sub-rule (2) of rule 11, Clause (b) and sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following further amendments be made in the Notification of the Government of India in the Ministry of Agriculture No. S.R.O. 634-A, dated the 28th February, 1957, namely:—

(a) In part I of the Schedule to the said Notification, under the heading "Deep Sea Fishing Station" in Column 1, after the existing entries in column 1 to 5, the following entries shall be inserted, namely:—

1	2	3	4	5
Delhi Milk Scheme.	Chairman	Chairman	All	Joint Secretary, Ministry of Food & Agriculture (Department of Agriculture)

(b) In part II of the Schedule to the said Notification, under the heading "Deep Sea Fishing Station" in Column (1), after the existing entries in Column 1 to 5, the following entries shall be inserted, namely:—

1	2	3	4	5
Delhi Milk Scheme.	Chairman	Chairman	All	Deputy Secretary, Ministry of Food & Agriculture (Department of Agriculture)

[No. 39-28/60-DD.]

K. A. ANSARI, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

(Ports)

New Delhi, the 21st November 1960

G.S.R. 1401.—In pursuance of clause (3) of section 3 of the Indian Ports Act, 1908, (XV of 1908), and in supersession of the notifications of the Government of India in the Ministry of Transport and Communications, Department of Transport (Transport Wing), No. 2-PE(83)/59, dated the 3rd September, 1959, and No. 2-PE(16)/60-I, dated the 6th September, 1960, the Central Government hereby authorises Shri P. K. Patankar to pilot in and out of the Port of Kandla, move in the harbour and to berth and unberth in the said port vessels of any tonnage or type, inclusive of tankers and vessels loaded with explosives during day light hours only, that is to say, from half an hour before sunrise to half an hour after sunset.

[No. 2-PE(16)/60.]

K. RANGANATHAN, Dy. Secy.

(P. & T. Board)*New Delhi, the 18th November 1960*

G.S.R. 1402.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President has been pleased to decide that the following further amendment shall be made in the Posts and Telegraphs Workshops (Assistant Foreman Recruitment) Rules, 1959, issued in the Ministry of Transport and Communications (Department of Communications and Civil Aviation) Notification No. 2-WF/16-57, dated the 5th June, 1959, namely:—

Add the following as item (ix) after item (viii) of Rule 2(c) of the said rule:—
“(ix) Assistant Foreman (Ex. B.T.C.)”

[No. 2-6/60-WK.]

B. G. DESHMUKH, Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY*New Delhi, the 5th November 1960*

G.S.R. 1403.—The following draft of certain further amendments to the Explosives Rules, 1940, which it is proposed to make in exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (4 of 1884), is hereby published as required by section 18 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 21st November, 1960—

Any objection or suggestion which may be received from you/any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

1. These Rules may be called the Explosives (Amendment) Rules, 1960.
2. In the Explosives Rule, 1940 (hereinafter called the said rules),
in sub-rule (ii) of rule 73, for the figure and letters “5 lbs.”, the figure and letters “2.5 Kg.” shall be substituted.
3. In the said rules, in Schedule II, in the table appended thereto:—
 - (i) in column 3 against Item No. 1, for the figure and letters “5 lbs.” wherever they occur, the figures and letters “2.5 Kg.” shall be substituted;
 - (ii) in columns 4 and 5 against Item No. 2, for the figures and letters “50 lbs.”, the figures and letters “25 Kg.” shall be substituted.
 - (iii) in columns 4 and 5 against Item No. 3, for the figures and letters ‘50 lbs.’ and ‘5 lbs.’, the figures and letters ‘25 Kg.’ and ‘5 Kg.’ shall be substituted, respectively.
4. In the said rules, in Schedule IV, in column 3 against Article No. 4, for the figures and letters “10 lbs.”, the figure and letters “5 kg.” shall be substituted.
5. In the said rules, in Schedule V, in condition I of Form ‘J’, for the figures and letters “10 lbs.”, the figure and letters “5 Kg.” shall be substituted.

[No. S&PII-3(26)/60.]

K. G. S. PISHARODY, Dy. Secy.

MINISTRY OF REHABILITATION**(Office of the Chief Settlement Commissioner)***New Delhi, the 17th November 1960*

G.S.R. 1404.—**R/Amdt.L.**—In exercise of the powers conferred by section 40 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby makes the following further amendments to the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 namely:—

1. These rules may be called the Displaced Persons (Compensation and Rehabilitation) Amendment Rules, 1960.

2. In the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, after Chapter V, the following Chapter shall be inserted namely:—

"Chapter—VA

Allotment of evacuee agricultural lands situated in urban areas."

34-A. Application.—The provisions of this Chapter shall apply to evacuee agricultural lands situated in urban areas and acquired under section 12 of the Act.

34-B. Valuation.—For the purposes of this Chapter, all lands to which this Chapter applies shall be valued by an officer appointed in this behalf by the Regional Settlement Commissioner.

34-C. Allotment of agricultural lands of the value of Rs. 10,000/- or less.—Where any land to which this Chapter applies has been leased to a displaced person and such land consists of one or more Khasras and is valued at Rs. 10,000/- or less, the land shall be allotted to the lessee:

Provided that where any such land or any part thereof has been sub-leased to a displaced person and the sub-lessee has been in occupation of such land or part thereof continuously from the 1st January, 1956, such land or part thereof, as the case may be, shall be allotted to such sub-lessee.

34-D. Allotment of agricultural lands consisting of more than one Khasra, the value of which exceeds Rs. 10,000/-

(1) Where any land to which this Chapter applies has been leased to a displaced person and such land consists of more than one Khasra, the aggregate value of which exceeds Rs. 10,000/- such portion of the land, the value of which does not exceed Rs. 10,000/-, as the Regional Settlement Commissioner may select, shall be allotted to such person:

Provided that where any such land or any part thereof has been sub-leased to a displaced person and the sub-lessee has been in occupation of that land or part thereof continuously from the 1st January, 1956, such land or part thereof as the case may be, the value of which does not exceed Rs. 10,000/-, as the Regional Settlement Commissioner may select, shall be allotted to such sub-lessee.

(2) In selecting the area for allotment under sub-rule (1), the Regional Settlement Commissioner shall have regard to the compactness of the area and other relevant matters.

(3) For the purpose of allotment of land under this rule, no Khasra shall be sub-divided.

34-E. Maximum area of land allottable under this Chapter.—Notwithstanding anything contained in the foregoing provisions of these rules—

(a) no Khasra the value of which exceeds Rs. 10,000/- shall be allotted;

(b) the maximum area of land allotted to any one person shall not exceed Rs. 10,000/- in value.

34-F. Certain Provisions of Chapter V to apply.—Where any land to which this Chapter applies is allotted under rule 34-C or rule 34-D, the provisions of rules 25 to 29 (both inclusive) of Chapter V shall, so far as may be, apply.

34-G. Grant of Sanad for allotment of lands.—Where any land to which this Chapter applies is allotted to any person under rule 34-C or rule 34-D, the allottee shall be granted a Sanad in such form as may be specified in this behalf by the Chief Settlement Commissioner.

34-H. Manner of disposal of land not allotted.—Any land to which this Chapter applies which is not allotted under this Chapter, shall be disposed of in the manner provided in Chapter XIV."

(Amendment No. L dated the 17th November, 1960).

[No. 7(8)Comp./60.]

I. N. CHIB, Dy. Secy.

